



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

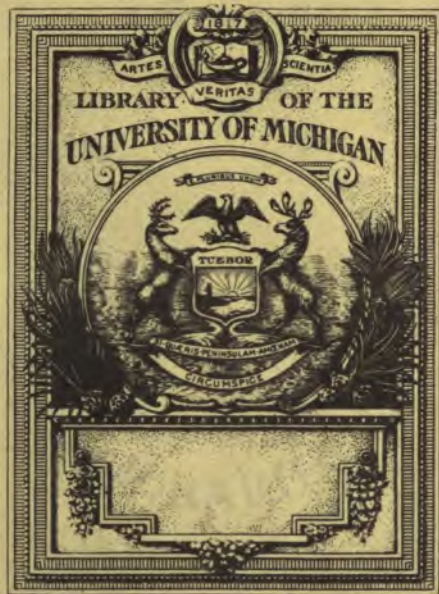
### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



6

[James Drake]

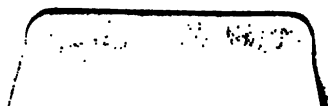
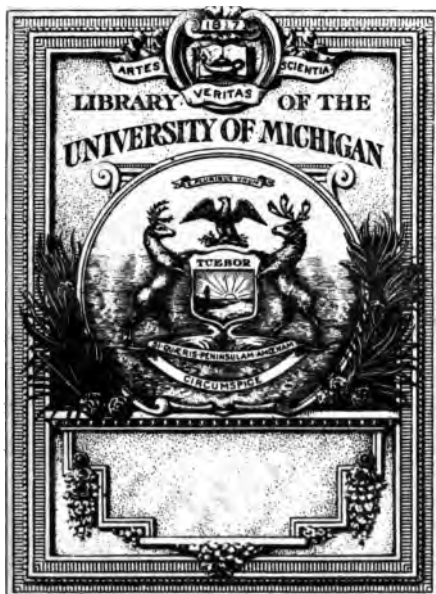


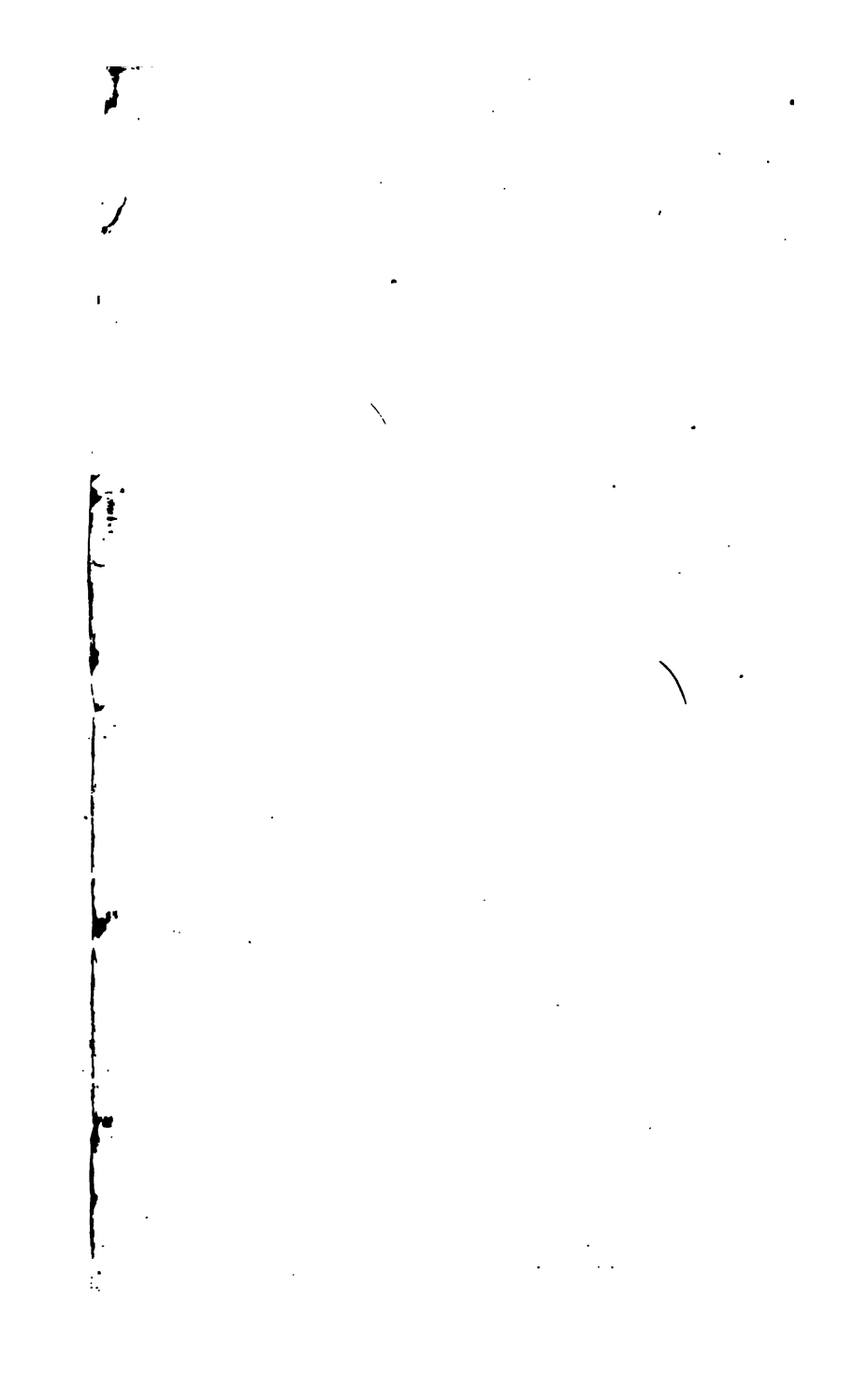




6

[James Drake]







[illegible]



James Drake

*Sir Isaac Newton.* THE  
**HISTORY**  
Of the Last  
**PARLIAMENT.**

Began at.

*WESTMINSTER,*  
The Tenth Day of *February*, in  
the Twelfth Year of the Reign of  
King *William*, *An. Dom.* 1700.

To which is added,  
The Short Defence of the last Parliament, &c.

---

By the same Author.

---

The Second Edition.

---

— . — *Hinc spargere voces.*  
*In vulgum ambiguas, & querere conscius arma.*  
Virg.

---

**L O N D O N,**

Printed for *Fra Coggan* in the *Inner-Temple-Lane* ;  
*Robert Gibson* in *Middle Row*, and *Tho. Hodg-*  
*son*, over against *Grays-Inn-Gate* in *Holbourn*.  
MDCCLII.

JN

539

.1702.

D76

T O

*Anthony Hammond, Esq;*

S I R,

**A**N Honest Zeal for the welfare of the Publick, and a just indignation to see the last House of Commons so unworthily treated, mov'd me to write this History, and the general acceptance it has met with from all honest Gentlemen, gave me resolution to Inscribe it to you. A Friendship so largely begun, and so long continued as ours, might have claim'd a more timely Address. But I presum'd not so far upon my own performance as to grace it with a Friends name, till

A 2

the



*The Epistle Dedicatory.*

the success did in a manner warrant my Confidence. However, I am not yet so vain, as not to discern, that the kind reception it hath met with, is owing more to the honesty of the Intention, and the Justice of the Cause, than to the skill of the Author, or the merit of his performance.

It is usual to say something in these Cases to the Person Address'd to, not perhaps what is thought of him, but what is intended he he shou'd believe is thought of him. For that reason the good things I have to say of you, shall be said behind your Back, where they will be better received, and less suspected than by yourself.

It has been the endeavour of some to fright us out of our Liberties with the apprehensions of Slavery,

*The Epistle Dedicatory.*

very, as wretched Misers starve themselves for fear of want. Yet our danger from Foreign Enemies is neither so great nor so near, as to justify any neglect of Domestick Mismanagements and Incroachments. But to judge rightly, and to measure distances and proportions truly, is the Talent of a very few, and therefore we have reason to regret the loss of any one Member of the last House in whom we have experienced those Gifts. But it is the infirmity of Humane Nature to be always Repenting, and always Creating fresh matter of Repentance. To this frailty impute it, that you, and some others of those worthy Persons have not met with those acknowledgments from us, that their Care of our Country and Constitution deserv'd, for which we

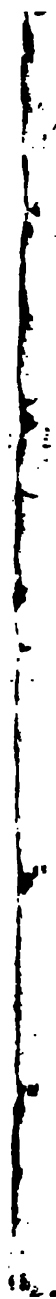
*The Epistle Dedicatory.*

ought so to acquit our selves upon the next occasion, and to make such honourable Reparation as may convince the World that it was Surprize, not Ingratitude that made us this time unjust ; which, I hope, will be the hearty endeavour of every honest Man, as well as of

*Sir,*

*Your most*

*bumble Servant.*







## The Preface.

*lies and Estates, all through the Nation, were excluded from the number of the Kings Friends, because they scorn'd to play the Sycophants like the others ; and the Court was soon fill'd with Persons, whose obscurity suffer'd 'em not to be known before, or whose Compliances in the late Reign, had render'd 'em at present sufficiently Obnoxious. Having thus got footing in the Court, they made it their Business, by Intrigue and Misrepresentation, to supplant, as many as possibly they cou'd, who did not fall directly in with them, and their measures, and who still shewed so much Consideration for the Interest and Constitution of their Country, as not to be hurried into any precipitate Action contrary to 'em.*

*These were generally of the Church Establish'd by Law ; and tho in the Reign of King Charles, they had been discriminated by Names, importing little Agreement ; yet in that of his Brother, they jointly made a stand, in Defence of our Religion, Laws, Liberty, and Property, whilst the Dissenters Address'd, with Offers of their Lives and Fortunes, to pull 'em down. However, these latter were thought the properer Instruments to serve the Purposes of some People, which wanted no Honour or True Understanding to carry 'em on, but were*

*bet-*

## The Preface.

*better brought about by Knavish Cunning Confidence and Obsequiousness. And therefore, the other were to be Shuffl'd out of the Pack as fast as they cou'd ; and in their stead, a set of Hungry, Bold, indigent Persons were to be brought into the Administration of Affairs, not only in the Court, but all the Nation over. The Commissions of Lieutenancy, and the Peace, were chang'd throughout the greatest part of England, and Men of no Birth, Fortunes or Reputation, were put into the places of the best Gentlemen, who were every where turn'd out, this was done to give the Mobb a taste of Authority, and by raising 'em to a seeming Level with the best Men of their Country, to habituate 'em, to a sawcy Familiarity and Contempt of their Betters. In doing this, they had two Things principally in View: First, by preferring such Men, they gave such a precarious Authority only as depended upon their Pleasure, and consequently they fix'd to 'em a Party, that might be prompted to what they pleas'd, and were in appearance of great Strength, if not in reality. Secondly, That they shou'd thereby Create such a lasting Animosity between the Gentry, and the Mobb, as might keep 'em perpetually divided and opposite, especially in all publick Matters, as Elections for Parliaments, &c.* And



## The Preface.

*And perhaps there was a third Thing in prospect of deeper reach than all these ; which was, That shou'd it have pleased God, for our Sins, to have snatched from us the King, on the sudden by chance of War, or other fatal Accident, during the Tumult of Arms abroad, and the Civil Disorders they had rais'd among us at home, and a numerous, corrupt, licentious Party throughout the Nation, from which the House of Commons was sometimes not free, they might entertain Hopes from the advantage of being at the Helm, and the Assistance of their Rabble, to have put in Practice their own Schemes, and have given us a new Model of Government of their own Projection, and so to have procured to themselves a lasting Impunity, and to have mounted their own Beast, the Rabble, and driven the Sober part of the Nation like Cattle before'em.*

*That this is no groundless Conjecture, will readily appear to any considering Persons, from the Treatment of her Royal Highness the Princess of Denmark, the Heiress Apparent to the Crown, met with all along from them, and all their Party. They were not contented to shew her a constant Neglect and Slight themselves, but their whole Party were instructed to treat her not only with Disrespect, but Spight ; They were busie to traduce Her  
with*

## The Preface.

*with false and scandalous Aspersions ; and so far they carried the Affront, as to make Her at one time almost the common Subject of the Tittle Tattle of almost every Coffee-House and Drawing Room, which they promoted with as much Zeal, Application and Venom, as if a Bill of Exclusion had then been on the Anvil, and these were the Introductory Ceremonies.*

*It is no answer to this Observation, to say, that the Vulgar will give themselves unjustifiable Liberties of Talking, and that Princes, how Sacred soever their Persons be, must expect to feel sometimes the causeless lash of their licentious Tongues. But it is an old Observation, That the Flock never wanders without some Bell-weather to lead 'em astray. When Diseases are Epidemical, Physicians tell us, There is a Contagion in the Air, and by the Universality of the Infection amongst one Party, 'tis easie to guess from what Quarter the Malignant Blast proceeds. Let 'em then make what use they can of the ungovernable Licence of the Mobb, it will hold everlastingly true, That the People never give such a general loose to their Tongues, till their Brains have been first inflam'd through their Ears, by Men of worse Principles, and deeper Designs, by whom they are thus wrought up to the Execution of em. It*

## The Preface.

*It might perhaps be a strong Confirmation of our Suspicions, if we were to observe the Critical Timing of those Stories in the first Invention, and in Reviving of 'em afterwards, and the Confidence wherewith the Dissenters, especially the least Cautious of 'em, express their Satisfaction in hopes that the Princess shou'd never succeed to the Crown. But since these Reports are hush'd, and the Hopes of the Party in that Point quash'd for the present, I shall wave any farther Reflection, only with this notice, That their Affections are not chang'd with their Hopes, as we may observe by the Alacrity and Respect with which they affect to speak of the Princess and the House of Hanover, whom they know not, and the Coldness and Silence wherewith they pass over the next and immediate Heir, since they dare no more.*

*If the great ones that head and cherish that Party, wou'd be thought not to Encourage such Principles and Practices, let 'em by themselves, and their Minions and immediate Favourites, set 'em better Examples of Duty and Respect. The common People are too apt to imitate, or desert their Party-Leaders. Let 'em therefore mend their Patterns, and they will soon find the Manners of their whole Party mended, or  
them-*

## The Preface.

*themselves abandoned by 'em. If they neglect to do this, the World has no reason to believe 'em, when they pretend to be in reality what they refuse to be in Appearance, and are so fearful of hazarding an Interest which they can't use to good Purposes.*

*But the Party, which these Men have Espous'd, and whose Interests upon all Occasions they promote and advance, have been always known for notorious Dealers in Calumny and Slander; and 'tis no less notorious, that their Trade in scurrilous Lam-poons, impudent Libels, scandalous Pamphlets, forged Accusations, and groundless Calumnies, has been wonderfully improv'd since some of our late Ministry put themselves openly at the Head of 'em. It were endless to enumerate the several infamous Libels which that Faction has Spawn'd, and dispersed not only all over England, but even through Holland, Germany and the West Indies, that they might as far as lay in their power, Poison the whole World at once. Some of 'em, have Libell'd the whole Nation in the Aggregate, others have Revil'd the Parliament in the Lump, and an Infinity have been sent abroad, unjustly to Defame particular Members. A Catalogue of all these wou'd make a Black List indeed, which might move Envy even in the Devil,*

## The Preface.

*to see himself so far outdone at his own Weapons, Malice and Lying.*

*To Rake into such nasty Ordure were to Poison the Reader, except he be blest with a very strong Constitution, or a powerful Antidote. I shall therefore pass over the whole Herd of mercenary Scribblers, who live by Lying, and cou'd not get their Bread but by Slander. Let 'em like impure Swine, still gather up their Morsel from the Dung-hill, and may their Lives be as long as they are loathsome and wretched. All good Men will for ever loath and despise 'em as much I do. I shall take notice of only of one of these Libels, which for the superlative Nonsense, the manifest Absurdity, and the comprehensive Shortness of it, seems preferable to Legion, or any of the rest of their Productions.*

*The Paper I mean is the Black List, wherein the Author (for I shall treat the Club that hatched it as a single Person here, because with united Folly, they have produc'd a very uniform piece of Nonsense and Absurdity) does with a gallant Impudence tell the whole Nation whom they shall Choose, and whom they shall Reject, without so much as offering one Reason why they should pay so much deference to a nameless Person. 'Tis true, he prefixes to his Catalogue several*

## The Preface.

*ral impertinent Queries, relating neither to the Electors, nor the Persons to be Elected, nor the business and end of Elections, by which he downright calls all the Freeholders and Freemen of the Nation Sots, Sots that are to be directed, without Reason or Authority, by a Knave and a Fool without a Name. Then he proceeds to Name a hundred and sixty seven Gentlemen of the best Quality, Figure, and Reputation, for Birth, Estates, and Abilities in the whole Kingdom; one half of which, let him begin to number at which end of his List he pleases, are able to purchase, baffle, and overthrow the Estates, Projects, and Interests of him, and all his Party.*

*But since this Author seems not to know for what End and Purpose Members are Elected by the People to Represent 'em in Parliament, I shall first tell him that, and then proceed to give him some Instructions for the next Edition of his Paper. The Business therefore of a House of Comitions, is to Represent the whole Commonalty of England; That is, to do all those Things, and Exercise all those Powers for the Welfare and Safety of the Publick, which the whole Common People wou'd be suppos'd to Do and Exercise, cou'd they Assemble together, and Consult, and Debate Orderly and Quietly, and deliberate Maturely for their*

## The Preface.

*own common Good and Safety. They are to appoint all Publick Disbursements, the Quantity, Time, and Manner of their Payments, the Uses to which they are to be Dispos'd, and if they please, the Officers through whose Hands it shall pass. They are to Enquire how such Sums have been Apply'd, and if they find any Misapplication, to bring the Offenders to Punishment. They are to Advise with, and Assist the other Two Sovereign Estates, in all arduous Affairs, especially in Making and Contriving good Laws for the Security of our Religion, Liberties and Properties. They are to Revive such good Laws as are Antiquated, and to Repeal 'em if the Reasons be ceas'd, and the Laws themselves of no longer Use and Benefit to the Publick. They are to Protect and Preserve Entire, the Rights and Priviledges of the whole People, as a 3d Part of the Sovereignty. They are to Repress and Punish all Insolencies and Affronts offer'd to that Estate which they Represent, and to take care that such Offenders be Corrected according to their Demerits. There are many other Things which I could tell him, of no less Moment ; but this Authors Head is not made to bear much, and therefore I spare him, and pass on to the Instructions.*

*And here, because some Truth of Fact  
looks*

## The Preface.

*oks well in a Publick Paper, even when the Business of it is to Lye, Misrepresent, and make false Inferences, he shou'd, instead of his Impertinent Querries at the beginning of his Paper have told his Reader :*

*That the Persons under-named were most of 'em Men of the most considerable Estates in England, but that they were the less proper Men to serve 'em for that. For Men of great Estates, are undoubtedly most liable to Venality and Corruption, and as they had little to fear, and usually nothing to lose, but their Honour and Estates, it was most probable they might be either Aw'd or Brib'd from their Duty. But that on the contrary, there were abundance of very good Patriots with very small Fortunes, and very good Places, that Aspir'd to serve their Country in the room of these Men, who having much to lose, and little to support 'em, when their Places were gone, wou'd therefore be very Cautious what they did, and consequently were the fittest Persons to serve 'em in Parliament.*

*He shou'd have Inform'd 'em, That the Gentlemen of the List, were many of 'em of very Antient Families, and had their Estates and Seats transmitted to 'em through many Descents, and a long Series of Ancestors ; and consequently that it was not to be won-*



## The Preface.

der'd at, if being weary of their old familiar Mansions, they shou'd covet such fine New Houses as they see the Courtiers run up every day, and consequently shou'd Betray their own Property, to compass these gay fine Things, which they cou'd not have otherwise. But that there were those ready to serve 'em, who had these Things already, and therefore must needs be past the Desire of 'em; and having render'd themselves Obnoxious to procure 'em, would take care how by fresh Misbehaviours they forfeited those hopes of Impunity, which they now labour'd and stood Candidates for.

He shou'd have Affirm'd, (for affirming right or wrong, has been the constant Practice and main Support of his Party) that the Gentlemen being Men of great Capacity and Understanding, were therefore the more dangerous, and the less fit to be Trusted with the weighty Affairs of the Nation; that they were Scrupulous, and apt to raise Difficulties, and oppose the Pleasure of their Superiours. But that there were a sort of Men whom he cou'd recommend to 'em, easie of Faith, slow of Apprehension, and very ready to give in to what Men better vers'd in the Niceties of State directed 'em to.

He might have Objected against 'em, That they were Men of narrow Spirits, that were  
for

## The Preface.

*for Cramping, and Contracting the Church of England to the streight Limits of Tests, and Articles, and other such Clogs, to Men of a free and unbounded Persuasion. But there were others enow of generous comprehensive Souls, who were for Enlarging the Pale of the Church, and taking in Protestants of all Denominations, whether Presbyterians, Independants, Quakers, Anabaptists, Arians, Socinians, Deists, and I think I may add Turks, Jews, and Infidels: an Improvement that has been long upon the Anvil, and had not these streight-lac'd Men obstructed it, the Church had long since rejoyc'd in the downfal of Popery by such an universal Comprehension.*

*He might have Accus'd 'em of being Sordid, Covetous, and Discouragers of Parts and Ingenuity; who were for confining Men in great Places to settled Salaries and honest Perquisites, and taking from 'em the overplus which was purely the fruit of their Sagacity and Contrivance, to the loss of many Millions to his Majesties most immediate Friends and Servants. But that there were (if they pleas'd to elect 'em) a Race of old Spartans left, who encourag'd Ingenuity, even in Theft itself, and wou'd not damp the Spirits of able Ministers, with Acts of Resumption, and Demands of Accounts which were not to be given.*

## The Preface.

He might have Inveigh'd against 'em as a Sour, Morose, Quarrelsome, Litigious sort of Men, That had Impeached great Lords for a few trifling Millions Begg'd, Perplexities, Oversights, and Negligences in Accounts, Slips, Inadvertencies, and want of Information in some Treaties concluded: and had stood out an angry Dispute with the Lords, about some petty Privileges, that only gave themselves Trouble, and others Vexation. But he cou'd offer a set of good Temper'd easie complying Men, that wou'd not put the Nation out of Humour about such Matters, and wou'd part with any unseasonable Rights and Privileges, rather than Ruffle the Lords, and put the Court into a Consternation: Men that wou'd carry things on so smoothly, that the People shou'd not hear of Male Administration, Dissolutions and New Elections of Parliament twice in the Course of a Mans Life.

He might have Reproach'd 'em, with being the very Men that Disbanded the Army after the Peace of Reswick, and left the security of the Nation to its own unarm'd Strength, and two ill contriv'd insufficient Treaties, by which we are put to the trouble of Raising fresh Forces upon every new Occasion: Whereas if they wou'd  
take

## The Preface.

*take his Recommendation, he cou'd find 'em a Set of Officers who wou'd take care to keep up such an Army at all times, as shou'd not only be able to Defend, but Govern us too, even without a Parliament, and find such perpetual Funds for Subsidies, as might be sufficient upon all Occasions, without giving the Country the Trouble or Charge of Granting, Assessing, or Levying, by any Civil Officers, and thereby Ease the People totally of their Share in the Government.*

*If he wou'd take this Method in the next Edition of his Black List, he wou'd thereby gain the Reputation of some Sincerity at least, his Reasoning wou'd be more Conclusive, and his Success much better. But Lying and Slander has been the constant Support of their Party, the only successful Engine which they have made Use of to put Fools into a Ferment they knew not why. By false Clamour and Bellowing, they have gain'd to themselves among some People, the Reputation of zealous Friends to the Government ; which indeed they have stuck fast to, but 'twas like Leeches ; and a little Salt from the Hands of the Parliament soon shew'd what it was they Adher'd so close for. 'Tis to be hop'd, that hereafter the Eyes of the People will be more open, and*

## The Preface.

*their Ears less, and that they will be no longer hurried beyond their Senses by mere Noise and Clamour. We have been driven already to the very Brink of Destruction, our Treasures have been riotously Wasted, and our Constitution in danger of being Subverted, and the Nation almost in general Corrupted, and all this under a Colour of a false pretended Zeal for the King's Person, by which some men have arriv'd to such a height of favour at Court, and such a degree of Popularity in the City, that they have been able for some years to Brand all those who took any care of our Constitution, and offer'd to require any good Husbandry in the Disposition of the Publick Treasures, with odious unpopular Names, and almost to stir up the Mob against 'em; and when their own rapacious, fraudulent, unskilful, and pernicious Administration was inquir'd into, cou'd have the Address to turn the Affront upon the King, and make it a Reflection upon his Government. Thus had they succeeded, the old English Constitution had exquir'd with his present Majesty; and now they are Detected, they Expose the Throne to the Odium of their own Ill-Conduct. But it is hop'd, that all honest Men will hereafter be able to make a true difference between the Acts of a Gracious Prince,*  
*and*

## The Preface.

*and the crafty Machinations of a subtle, self-ended set of Ministers. And since the majority of the Nation, have by their choice, acknowledg'd their Obligations to most of those worthy Patriots, whose Courage and Prudence stemm'd this impetuous Torrent of Bribery and Corruption, and diverted the fatal Storm which hung over our Heads, I doubt not but they will be daily more sensibly convinc'd of their great Obligations to 'em, and take the first Opportunity of shewing their Gratitude to those few of 'em, whom the Malice, and Artifices of their Enemies have robb'd of the present Acknowledgment and Thanks due to their great Services.*

*It may, perhaps, be still expected, that according to the usual Manner of Prefacers, I should have a great deal behind to say of the Book, and its Author, and forty odd Reasons to give for the Writing of it; but those who have such Expectations, will be disappointed. For the Author I have little more to say, than that a just Indignation to see the Authority of Parliaments so Insulted and Trampled upon, put him upon this design, from the more early execution of which he received an unwelcome Diversion from Indisposition, and the care of some Affairs which more nearly concern'd himself, which oblig'd*

## The Preface.

*oblig'd him to lay it aside for a considerable time, yet he hopes it may not be unserviceable now. And the Author assures him, That neither private Malice or Hopes prompted him to it ; and that the Quarrel of the Publick apart, he has as much true value for the Personal good Qualities of some of those who may be thought to be reflected on, as any of their Flatterers can have. On the other hand, he hopes he has kept himself clear of the Imputation of flattering those whose Zeal for their Countrey he admires. He has offer'd no Incense at private Altars, to tickle the Vanity, or provoke the Bounty of particular Men, or to do any more than offer to 'em all his share of those Thanks they deserve from the whole Nation. And when the opposite Party shall give him the same Reason, he assures 'em, he shall be ready to be as just to them. No Reader can be so Ignorant, as not to see in the perusal of this Book, that he had frequent Opportunities to launch out into Characters, and Encomiums of many particular Members, had his aim been only to ingratiate himself with 'em ; but to avoid the suspicion of that, he has declin'd to prefix his Name. For he assures the Reader he is as little fearful, as ambitious of being Nam'd.*

For

## The Preface.

*For the Book itself he will say little, it must stand or fall by the Affections of the Readers, who will most of 'em Justifie or Condemn it, as they like the Cause it pleads. But if it finds any Readers yet calmly dispos'd to hear reason in so great a Cause, 'tis there he proposes it shou'd be of Service. And some such he supposes there may still be, who are yet undetermin'd in their Judgments of these Matters. One Objection he foresees, the Criticks may make to the Title of this Book; for with the Latitude it is written, they may think it ought rather to be call'd an Apology, than a History; and he will allow their Exception so far as to compound with 'em, and to own it to be an Apologetick History. However, he is little solicitous about what Class of Authors they shall please to put him into. He has endeavour'd to relate Matters of Fact faithfully, and to set the Actions of that Parliament in a true light. If his Colours be thought by some too strong, they must impute it to the present violent Humour of the People, who have been accusom'd of late to such glaring false Colours, that they can't relish soft Touches.*

*The Reader is not to expect here, what pass'd within Doors, or any Accounts of the Debates, or Speeches of particular Members, or any thing more than has been Publish'd*  
by



## The Preface.

*by Order, with his own Observations thereupon. He leaves those things to the Secret History Mengers, who trade altogether in Falshoods and wrong Applications. But he thinks it the height of Impudence and Injustice, to reflect without Doors upon what is said within, usually with much truer Intention of Service to their King and Country, than it is reported abroad with afterwards. Neither must the Reader expect, that he should take notice of all the Acts of the last Parliament, that were an endless and an unnecessary trouble; but he has selected those which were of most Consequence to the Publick, and which give the justest Idea of their true Disposition to the Service of their King and Country. If herein he has acquitted himself as he ought, and given the Reader any Satisfaction, he has his aim, and will seek no farther.*

THE

---

---

THE  
HISTORY  
OF THE  
Last Parliament.

**A**FTER a Tedious War of Ten Years, in Defence of our Religion, and the Liberties of *Europe*, in which our particular Share amounted to upwards of Sixty Millions Sterling, besides the Loss of above Two hundred Thousand Men, and about three Thousand Ships with their Lading, a Sum beyond Computation ; when by the Valour and Conduct of his Majesty, and the Success of his Arms, the Pride of *France* was humbled, and she forc'd to beg Peace upon Terms no way suitable to the Haughtiness of her Monarch ; we began at last to hope for, rather than enjoy the Fruits of an Honourable Peace, it was no small Surprize and Affliction to all Good Men, Lovers of their Country,

to

to see ourselves without the least Over-  
ture of Hostility on either side, on the  
sudden involv'd atreſt in a Neceſſity of  
a War of much more Ruinous Conſe-  
quence, and under Circumſtances infi-  
nitely more difficult and diſadvantageous,  
than we began the former : A War in  
all appearance like to be exceedingly  
more Expensive, Obſtinate and Bloody,  
unleſs we take Meaſures of better Thrift,  
and more good Husbandry than hitherto  
we have done, in the Management of  
the Publick Revenues, and in the pro-  
viding for, and payment of our Fleet  
and Armies.

But, tho' War at any time may be  
reckon'd amongſt the ſevereſt Calamities  
that can befall any Nation, it is at this  
Juncture the moſt unhappily circumſtan-  
tiated for us of any that ever we were  
engag'd in. For the Death of the Duke  
of *Glouceſter*, having to all outward ap-  
pearance put a Period to the Royal Line  
in *England*, and open'd a wide Breach in  
thoſe Banks, which we have been at ſo  
immense a Charge to caſt up for the  
Defence of our Religion and Property, it  
required the moſt ſedate Thoughts, and  
moſt mature Conſideration of the united  
Wiſdom of the Nation to repair 'em ;  
and

and to settle and secure the Succession to our Crown, on worthy and honourable Heads, such as had been nurs'd up in a Religion, Form of Worship, and Government not irreconcilable to our own. This oblig'd us to look once more abroad, and to graft some Foreign Plants upon the Royal Stock ; that, if Providence shou'd deny us the Blessing of farther Issue from either of those two, who at this time make our whole Line at Home, we might not for want of a timely Provision be forc'd either by Faction among ourselves or Awe from Abroad, into such Precipitate, Indigested Measures as are the usual result of Tumultuous Councils, called upon the surprize of sudden and great Emergencies. The King and Princess are so near an Equality of Age, that shou'd one Live (as 'tis our Prayer he may) to a reasonable Old Age, t'other according to the ordinary Course of things can't expect long to survive him. Since therefore our whole Royal Line is reduc'd to two, and those perhaps for the foregoing Reason not much more than one ; the prospect of Issue by either of 'em distant and uncertain, a necessity of supposing a possibility of a defect, and, upon that supposition, of supplying that defect

defect with Successors of another Church and Nation, I don't see how our Senate cou'd without Rashness have engag'd in a dangerous and difficult War, before they had provided for our Security at Home in that Point. Besides, the admission of a Foreign Successor has a natural, tho almost imperceptible tendency to alter our Constitution, against which it behoved the Wisdom of the Nation to provide a sufficient Remedy, which how they have done, and whether our Senate have therein acted like wise Men, and good Patriots, we may have occasion further to examine in the Sequel.

Besides these difficulties relating to the Succession, we lay at this time under the pressure of divers other very weighty ones, such as justly might, if not dissuade Prudent Men from entering into a new War, yet caution them against too hasty Resolutions. The late War had left us low in Purse, Credit and Invention, weary of Taxes, tir'd with Projects, our Funds anticipated and deficient, and to compleat all, a Debt of Eighteen Millions, at high Interest. If these difficulties to some Men seem'd at first view insuperable, it is not much to be wonder'd

at

at. Land had already in many Counties paid three or four Years purchase towards the Maintenance of the *Last War*, and they saw no other probable way of supporting the Charge of another, but by a Land Tax, which might in Time devour more, than would have bought the Inheritance of those Lands. This gave the Land-Owners great dissatisfaction, and an abhorrence for the Thoughts of War, and was consequently a good Reason, why our Representatives should not precipitate the Nation into a War, before they had bethought themselves of some Method to bear the Expence of it, that might be less grievous to the Land Owners.

Another *Remora* was, that great Mismanagements were complain'd of in the Providing, and Paying the *Fleet*, and *Armies*, and in Collecting, and Managing the several Branches of the Revenue. Wealthy Men shot up in the several Offices like Mushrooms, and while the Government was in danger of becoming Bankrupt, all its Servants rioted in such Wealth, and Plenty, that the bare handling of a Broom or a Brush in any of those Offices was the ready way to a plentiful Fortune; as if the Publick Treasure

C

sure

sure had been thrown there only for the Officers to sweep it into their own Pockets. These Abuses at a time of Publick Poverty and Distress, call'd loudly for Reformation ; and our Representatives wisely concluded, that the People would not chearfully contribute towards the Expence of another War, till they had some sort of Satisfaction on that Article, and were assur'd that what they gave should be better husbanded for the future ; which could not be but by Retrospection, and examining into past Miscarriages, and calling the principal Offenders to account, both for their own better Information, and for the more orderly Regulation of all such as should come into those Offices for the time to come.

There was yet another Consideration, which weigh'd much with some Men, and stopt 'em from pressing the Declaration of War, tho' they were otherwise consenting to it. Our Neighbours the *Dutch* had not yet declar'd War ; but had by owning the Duke of *Anjou* for King of *Spain*, given earnest of their peaceable disposition, and as it were offer'd thereby to compound for Quiet. Now if we by an over-forwardness to shew our Zeal, had declar'd War first, we had by so doing

*the Last Parliament.* 7

ng made our selves Principals, who need only to be seconds ; and had brought our selves under a Necessity of demanding that Succour from them, which now they have been forc'd to beg of us. Some People may perhaps think, that it amounts much to the same in gross, whether we assist the *Dutch*, or the *Dutch* us, provided both Nations be heartily engag'd on the same side. But this is a very false Notion. For, turn the Tables, and suppose us to lie as the *Dutch* do, and they as we, that the *French* had so many strong Towns (for all the *Spanish* Towns are theirs now) as it were in the middle of our Dominions, such great Magazines, such numerous Garrisons, and Forts, and were, to summ up all, able at very short Warning to Assemble a hundred thousand Men, Veterane Troops all on our Frontiers ; what then would be our Case? Must we not, if we would keep our selves a free People, upon the first Motions of the *French*, supplicate all the Princes and States, our Neighbours, especially the *Dutch*, whom we suppose to be situated, and circumstanc'd as *England* now is ; Would they not consider, that their own danger was remote, and that they could not be sensibly affected but thro



our Ruin , and therefore expect , that some considerable advances should be made on our part to invite 'em to take the Protection of us upon 'em? Would they not Remember, that such things had been done heretofore, when we were the poor distressed States? Would they have forgot, that not many Years since, we made 'em pay a long Bill for serving our selves as well as them? Would they not, if they did espouse our Quarrel, do it in such Manner, and on such Terms, as they upon due Consideration should find most agreeable to their own Convenience at present, and Interest for the future? Or would they, while we were treating (tho with Arms in our hands) with our Enemies, run themselves into a declar'd War, and so put the Ballance into our hands, which was before in their own? If these things would deserve the Consideration of our Neighbours in the like Case, why should they be slighted by us? Unless we pretend to be above thinking, to love War for Fighting sake, and carry our Brains about us only to be knockt out. Let us consider, what would probably have been the Issue e're this, had a War been declar'd between *England, France and Spain,*  
upon

upon the first opening of the Parliament? The *French* were in actual Possession of all the *Spanish Flanders*, had great Force there, had near finish'd or were well advanc'd in the Lines, they were making for their own Security, built Forts under the very Cannon of the *Dutch*, were able to assemble a vast Body of Troops, whenever they pleased, and were yet in Treaty with the *Dutch* about farther Terms of Peace and Security. On the other side, we our selves had neither Ships, Men nor Money in a readiness to defend our Selves, assist our Allies, or offend our Enemies. The *French* were in such forwardness with their Naval Preparations, that we expected daily, when they should insult our Coasts with their Fleet, tho no Declaration of War had been made on either side. The *Dutch* were in terrible awe, and durst not provoke the *French*, lest they shou'd be swallow'd up at Land. They saw 'em ready to pour like a Torrent into their Country, and wanted a sufficient Number of Troops to make Head against, and oppose 'em, and had no means left, but to keep out one Inundation by another, to let in their old Enemy the Sea to keep out their new Allies the *French*, and

to drown their Country to preserve their Towns from being burnt. Is it not reasonable to believe, that if the *French* found themselves Engag'd in actual War with us, while they were yet in Treaty with the *Hollanders*, that they would offer 'em such Terms of advantage, as might invite 'em to accept a Neutrality, if not to enter into a League offensive and defensive, as *Portugal* has already done, tho it be apparently against the Interest of their future Security? In this case what assistance could the rest of the Allies give us? Would any diversion, that the Emperour, and those Princes, and States of the Empire, who reject the offer'd Neutrality, should be able or willing to give to the *French* Arms on the side of *Italy* or the *Rhine*, be sufficient to keep him from being an over-match for us on this side? No! We see he is able to make Head against them, and yet to bring 140000 Men into the Field in *Flanders*, besides his numerous strong Garrisons in that Country. But it may be objected, that while we are Masters of the Sea, those Troops, were they ten times as numerous, could not hurt us. Yet we know, that at the first coming together of this Parliament, had *France* been

in

n the forwardness with her Naval Preparations, that we then generally believ'd her to be, we were not in a Condition to have hinder'd her Landing upon our Coast as many of those Troops as she had pleas'd. But were the *French* absolutely at leisure, and in such readiness on this side, as they would infallibly be, were the States Neuters, there are such opportunities from Winds to be watch'd, as that the best appointed *Fleet*, that ever we had should not be able to prevent their Landing either in *England* or *Ireland*. What then if the *Dutch* should have been tempted by great offers (which we may be sure would not have been wanting) to lend their Shipping and Ports to the *French*? How could our Ruin have been avoided? Could we have avoided the reproach of being the most stupid People under the Sun, for trusting our security in any other hands than our own, while we were able to provide for it our selves; and for putting the Probity of our Friends to so severe a Test, as to try whether they would Sell us, or not? Whatever had been the Success, we could by no Address have warded off the Ignominy of such an Experiment.

But not to wrong our Neighbours and Allies, with an injurious Supposition,

tho there be no impossibility in either Physical, or Moral, let us take it for granted that in such a Case, the States General would have rejected all offers of Alliance, or Neutrality with the *French*, how advantageous soever, and preferr'd an Alliance, Offensive and Defensive, with us, to any Conditions from *France*. It would however have brought such an Obligation, and perhaps Debt upon us, as would not easily have been discharg'd. For let us suppose 'em as affectionate to us, and our King, as the most zealous Advocates for 'em can alledge, we know 'em to be upon all occasions very watchful, and discerning of their own Interests, a People that let slip no advantages, and know how to set a sufficient value upon their Favours, and part not with them so easily, as some of their Neighbours, that pride themselves more in Gallantry, and false Notions of Honour, which ought to have less share in National Transactions, than usually they have. Allowing 'em then in this Case to act with their usual Prudence and Sagacity, when both sides shall be forced to court 'em, and we in Manifest Danger of Ruin, unless we prevail; can we imagine that they would neglect to make the best of so fair a Market

Let for the Succours they should afford ? For tho it be equally, or more their Interest than ours, that the Power of *France* should recieve a Check, yet were we engaged past receding with Honour, or Safety, and they yet to make their Election of Peace, or War, we must oblige 'em by some favourable Conditions to determine on our side, and at least be content to take our Measures and share of that War from their Appointment ; all which by a seasonable Hesitation we have avoided, and kept the Ballance and Advantages on our own side.

A War, a War, is the common Cry, which is become so General, that it seems almost the Voice of the People. Now tho I think a great regard ought to be had to their sense ; because 'tis they must bear the Burthen of it ; and therefore their desires ought to be complied with, as far as it shall be found consistent with our Security and Interest : Yet since their Advice can't formally be had, but in Parliament, and since reasoning, and judging soberly, and truly of things, (as an Affair of this Nature requires) does not appear to have been in any Age, or Nation the Talent of the Multitude ; the Great Council of the Nation have given

us

us a singular Instance of their great Temper and Prudence, in forbearing to give too much Ear to it, till they might perceive from whence the Cry came, by whom it was raised, and for what ends and purposes. However, I cannot but congratulate my Countreys happiness upon the general Alacrity, and Chearfulness of the People, and the Willingness they shew to contribute to the last Drop of Blood, and Penny of Treasure, to the Defence and Security of the Nation on the present Foot.

This Impatience for a War was principally, and most industriously excited and fomented by three sorts of Men of very disagreeing Principles, and for very different Ends. The first were Men who had a true Love, and Zeal for their Country and its Service ; but by too quick a Sense anticipated those Calamities, which they fear'd might one time or other befall it. They apprehended fatal Consequences from the unhappy Accession of *Spain* to *France*. For they rightly judg'd, that, tho the Crowns were worn by distinct Persons, the Administration, the United Power of both Kingdoms must necessarily Center in the King of *France*. The present Weakness of *Spain*, and the indispensable

penfable need the new King had of his Grand Father's protection to fupport his Title, and maintain his Poffeffion againft the Pretentions and Arms of the Emperor, made this Conclufion Self-evident. They forefaw, that, if *France* and *Spain* continued in good agreement, and *French* Councils (as 'twas probable they wou'd) prevail'd in *Spain*, our *Spanish*, *Straits*, and *Turkey* Trade were inevitably loft ; and that without fome more effectual remedy, than had been hitherto prefcribed againft Owling, *France* muft infallibly beat us out of the Woollen Manufacture, efpecially of fine Cloath, by engroffing folely to themfelves the *Spanish* Wool. Thefe irreparable damages, *France* might do us without being guilty of Fraud, Violence, or Injuftice of any kind, without giving us any caufe of Complaint, much lefs any juft ground for a War. But in cafe of a Rupture they faw *France* in a manner poffeffed quietly of all the Ports between us and the *Indies* ; fo that in all thofe vaft Coafts, the States or We had not one Port to put into upon any occafion without their leave. They knew not how to remedy all or any of thefe things, but by a War, which they thought hereafter We fhould neither have fo fair Pretence, nor Opportunity



Opportunity for, if we slipt the present. They were aware, that if *France* had leisure to put *Spain* into a method of managing her Revenues, to garrison, fortifie, and store with Provisions and Ammunition all her Maritime Towns, and make that long naked Coast defensible, *Spain* would become a vast Accession of strength to *France*, instead of being, as then She was, a heavy charge and a Burthen to her. That *Spain* under such Regulations, wou'd grow so formidable to her Neighbours, that *Portugal* or *Italy* would not after that dare to receive our Ships into their Harbours, without which they would not in many exigencies be able to live in those Seas. For these and the like reasons, respecting only the Interest of their Country, divers good Patriots did very early declare for a War, and endeavour to inspire others with the same Sentiments.

A Second sort, without looking farther than themselves, were for a War, because it was for them. They needed a War, and therefore desired it, whether the Nation did or not. They lov'd War, because it created Employment, and were for entering into present Pay, and Quarters. These generally insisted on such Topicks, as the other furnish'd 'em with, and handled

dled their Arguments as well as they could. However tho' most of 'em might be Men of little Interest, yet being pretty numerous and very much at leisure, all Places of Publick resort were stor'd with 'em, where they serv'd to set the Argument on Foot, and help'd to fill up the Cry. However, they may probably in a short time be gratified (tho' not in such Post-hast as they desir'd); and by employing their hands more than their heads, do their Country and themselves better Service.

A Third sort there were, who fell in with this Opinion, and propagated it with more Artifice, Zeal, and Address, than either of the former; tho' not for reasons so justifiable as the first, nor so excusable as the second. These were they, who for some time past were at, or about the Helm, and to whose mismanagement then a great part of, if not all our present Misfortunes, may justly be imputed. These Men, after having lain so many years sucking the Vitals of the Nation, till like satiated Leeches they were ready to fall off themselves, are come at last to think a War as necessary upon any Terms, as they lately did Peace, and to rail at the Perjury and Treachery of *France* in the very same tone, in which

which they first recommended themselves after having trusted the Security of the Nation to his Honour. But these Gentlemen are Philosophers, and know that all things subsist, and are continued by the same Principles, that at first produc'd 'em. And therefore having in a short time rais'd unweildy overgrown Estates, by plunging the Publick into Straits and Difficulties, and by Profusion and Corruption gain'd a numerous and a clamorous Party, they were by the same Arts to be preserv'd, which nothing favour'd so much as involving us afresh in War, before we could extricate our selves from the Difficulties they had brought Us under during the former. The People were dissatisfied to see so much gotten, and so little done for it by almost all Persons in Public Employment ; to find, that, from the highest to the lowest, they all in proportion gather'd Riches unaccountably fast ; as if Places had been meer Hot-beds to force up Estates in ; they were convinc'd that these things could not be, unless there were a mutual Consciousness, and Confederacy, and that some wink'd, that others might hold their Tongues. These things they were dispos'd to examine into ; which the Male-Administra-

tors knew, and therefore thought there was no way like hurrying 'em along a Precipice, to keep 'em from looking back, for fear of breaking their Necks. They had projected a Peace for em, which at the time of making it was likely soon to conclude in such a War, as shou'd cut out Work enough to go forward, and allow no leisure for Retrospection. The *French* King with his usual Sincerity (to which these Gentlemen were no Strangers) made his best use of the *Partition-Treaty*, told the *Spaniards* how their Allies had canton'd out their Monarchy, distributed much Gold, and more fine Promises, got a Will in his favour, and was modestly contented to take the whole, rather than the Share he had stipulated for ; and these Gentlemen are surpriz'd, and tell us the King of *France* has deceiv'd 'em. This is strange if they believ'd themselves some Years ago. Nothing was more familiar in their Mouths than the Treachery of *France*, whom (they said) no Oaths, Treaties or Obligations, how solemn and sacred soever, cou'd bind against his Interest ; and they had reason and experience too on their side, however they came since to have such a Confidence in his Honour. Perhaps there are Arguments

ments that may be as well understood, and work as miraculous conversions here, as in *Spain*. But we are told that 'tis too late now to talk of these things; there are so many Rubs in our way, that we must not look behind us for fear of tumbling over 'em: our business now, they say, is to remove 'em, if we can, not to enquire who laid 'em there. The King of *France* is Master of *Spain*, the *Indies*, *Flanders*, *Naples*, *Sicily* and *Milan*; no matter how he came by 'em, it must be our care to ward against the Consequence of this, which, they say, can only be by a War with *France*. Thus, like the Idolatrous *Hebrews*, while they are passing us thro' the Fire to *Moloch*, they call for Drums and Trumpets to drown our Cries. To inculcate this, their own, and all the hackney Pens they can procure, are drawn, and they hope like Cuttle-fish to hide themselves in a Sea of Ink of their own shedding. Their Legion of Friends, such as Bribes, Grants, Pensions, Places, and Commissions, have procur'd 'em, are instructed to bellow all over *England* the present danger from *France*, the immediate Necessity of a War, and the unseasonableness at this time of looking into past Mistakes, Oversights, Slips, Inadvertencies, and such like Peccadilloes

(as they term all Abuses) at home ; and by all means to poison the unthinking Mob with false disrespectful Notions of the Commons, whose equities they dreaded ; and if any good Patriot should be inquisitive into past miscarriages to asperse him with taking of *French Gold*. Tho' it is more to be suspected, and perhaps to be wish'd, since their Services have deserv'd it, that their own and their Creature's Estates had been purchas'd with that Money, by which the Nation wou'd have been some Millions the richer. What has been the Success of these Artifices, what disturbances they have already created in the Nation, We have all seen ; but what will be the conclusion of 'em is more than I dare undertake to divine. However it is to be hop'd, that we are not in a condition altogether so bad as they wou'd have us, and that We may yet be able to look both to our Selves and them.

This was the face of Affairs all *Europe* over, cloudy and full of gathering Storms, when the Parliament came together on the 10th of *February*, 1701. On the 11th of *February*, His Majesty came to the House of Lords, and in his Speech recommended *first and principally to their Care, the providing for the Succession after himself,*

D and

*and the Princess, as the thing whereon our Security did mainly depend.*

*Thence His Majesty proceeded to recommend to 'em, the mature consideration of the alteration of Affairs abroad, by the Succession of the Duke of Anjou.*

*Supplies for the Service of the current Year, reminding 'em of the Deficiencies and Publick Debts.*

*To take into their consideration the Condition of the Fleet, and the necessary Repairs and Augmentation of it, and to provide for the better Security of those Places where the Ships are laid up in Winter.*

*The Regulation and Improvement of Trade, and the Employment of the Poor.*

*And lastly he presses both Houses to a good Agreement and vigorous Resolution; In all which, how far His Majesty's desires have been complied with, and his expectation answer'd, may best be seen by their own Votes, and His Majesty's repeated expressions of Thanks in his Speeches, and Messages.*

On the 14th, Mr Speaker reported His Majesty's Speech, the consideration of which was adjourn'd to the next day. However the House, to give His Majesty early and immediate Assurance of their Loyalty, and good Affection to his Person and a Government, came to the following Resolution,

tion, and Order'd it to be presented to His Majesty by the whole House.

*Resolv'd,*

*That this House will stand by, and support His Majesty and his Government, and take such effectual Measures as may best conduce to the Interest and Safety of England, the Preservation of the Protestant Religion, and the Peace of Europe.*

On the 17th the House waited on His Majesty with their Resolution ; and His Majesty , after having given 'em his Thanks, communicated to 'em a Translation of a *Memorial* from the *Envoy Extraordinary* of the *States General*, and desired their Advice and Assistance thereon.

This produc'd the next Day, upon the Report, an Address to His Majesty by the Members, that were of the Privy Council, That he wou'd please to cause the Treaty between *England* and the *States General*, of the 3d of *March*, One thousand Six hundred and Seventy seven, and all the Renewals thereof since that time, to be laid before the House.

And ont he 20th another to be presented by the whole House, to His Majesty, *Nimine contradicente*, That he wou'd please to enter into such Negotiations, in Con-



cert with the States General of the United Provinces, and other Potentates, as may most effectually conduce to the mutual Safety of these Kingdoms, and the States General, and the Preservation of the Peace of Europe. And giving him Assurances of Support and Assistance, in performance of the Treaty made with the States General, the third of March, One thousand Six hundred and Seventy seven.

This Address was accordingly presented the Day following, and His Majesty was pleas'd to make them the following Answer.

Gentlemen !

I Thank you heartily for the Advice You have given Me, and your Unanimous Resolution to Support and Assist Me in making good the Treaty mention'd in your Address ; And I will immediately order my Ministers abroad, to enter into Negotiations in Concert with the States General, and other Potentates, for Attaining those great Ends, which You desire.

Nothing can more effectually conduce to our Security, than the Unanimity and Vigour, You have shew'd on this Occasion ; and I shall always endeavour on my Part to Preserve and Increase this Mutual Trust, and Confidence between us.

After

After these reciprocal Testimonies (which were frequently repeated during the whole course of this Session) of the great and mutual Satisfaction and Confidence which the King and his House of Commons had in each other, and the uninterrupted good understanding, that appears to have been all along preserv'd betwixt 'em, it is just matter of Surprize to find any Party of Men so hardy, as to forget the Reverence due to the Collective Body of the People in their Representatives, and not only to Arraign their Conduct out of Parliament, but to affront and contemn their Authority, and proceed to Insolence and Menaces. It might perhaps be no impertinent Digression to enquire here into the Motive that induced some Commoners to offer so unseasonable and so impolitick an affront to their own Authority. But that Enquiry will fall more naturally in hereafter, where perhaps it will appear how, and by what hands this Game was play'd, and for what Ends.

After the House had given repeated Assurances to the King of their readiness, and heartiness to stand by and support him in such Leagues and Alliances as he should think fit to make for the Interest and Security

## *The History of*

ing out of the Nation, and making a  
Tender of the Reversion of our Crown to  
some Prince of Foreign Birth and Educa-  
tion, thought it highly requisite to permit  
such a farther Declaration of the Rights of  
the Subject, as might so qualifie their Pre-  
sent, that it might neither in present, nor fu-  
turity endanger their Constitution either  
in Church, or State. Before they pro-  
ceeded therefore to the Nomination of a  
Successor in Reversion, they took care (as  
far as in Human foresight lies) to provide  
against all Encroachments upon our Re-  
ligious and Civil Rights. And this they  
thought necessary to be done before No-  
mination, that whatsoever Prince they  
shou'd make choice of, he might not  
think the conditions of his Acceptance any  
Argument of a Personal Diffidence, or  
Distrust of his good, and just Administra-  
tion, the Person being yet undetermin'd,  
and therefore consequently no Argument  
to be drawn from his Personal Vices or  
Virtues for or against such a Cautious way  
of Procedure, and the Conditions such  
as all, that shall wear the Crown after  
him, for ever must submit to.

The first Condition was, *That whosoever  
shall hereafter come to the Possession of this  
Crown, shall join in Communion with  
the*

*the Church of England, as by Law Establish'd.*

Tho there be many Reform'd Churches abroad, yet they all of 'em differ so much either in Doctrine or Discipline, as not to agree very well with our Constitution. The *Lutheran* Churches approach somewhat too near the *Romish* Superstition, in some points of Doctrine and Ceremony, to meet with a favourable Reception here. Besides they are the growth of those Countries only, where the several Sovereigns are arbitrary and despoical, where the People know no happiness but what is contingent, and no way essential to their Government, owing to the Gracious Disposition of their Prince, who may tyrannize if he pleases. And therefore their Clergy may by a People so jealous of their Liberties as We are, (perhaps not altogether unjustly) be suspected of leaning too much towards the Prerogative, and indulging Sovereign Power too far. Nor is it unnatural to imagine, that any sort of Men who have known Liberty only by Theory and Speculation, shou'd have very narrow Idea's of it, and probably disrelish the Exercise of it, when they shall find it the only Obstacle to their Settlement here, the only Bar to their Grandeur

deur and Preferment. May We not likewise without any hard Insinuations suppose them to be as strongly perswaded of the Truth of their own Opinions, and the Necessity of believing 'em to Salvation, as Zealous for the Propagation of 'em, as other Priests usually are, and as desirous of Reverence and Respect from the People, among whom they live, which they will not expect while they shall be look'd upon as Ministers of false Worship, and Teachers of false Doctrines? If so; here is on one hand a fair Pretence, Compassion for an Erroneous People, and a Concern for the good of their Souls; On t'other here is a strong Temptation, Rich Pasture, and a Fat Flock. Wou'd not ev'ry good Shepherd desire to have the Folding of such Sheep? Wou'd not these things, without entertaining any unkind thoughts of 'em, tempt any Persons (not above meer Men) to sollicit the Prince, whose Conscience shou'd be under their Direction, to employ his Credit (if not his Authority) in their favour, to procure 'em such Footing and Establishment here, as might give them hopes of Advancing, and making a farther Progress? All Men are Opiniatres in matters of Religion; They think every Man ought to be

be of their Perswasion ; and Princes are generally more fix'd in that Opinion, than other Men. They are flatter'd from their Infancy into a higher Conceit of their own Capacity to judge , and the better a Man thinks of his own Judgment, the more sufficient he is in himself, and insists the more rigorously on his own Notions ; especially Princes, who expect a great Deference should be paid to their Opinions by their Subjects. Suppose then we shou'd at any time see upon our Throne a Prince of a different Perswasion from the National, a Prince who shou'd have other Hereditary Dominions, in which he was absolute, wou'd it not be natural for him to wish for the same Power here ? Wou'd not his Priests at least wish, that their Opinions and Worship were introduc'd here ? And wou'd not they attempt it as far as they durst ; that is, as far as they thought they could with Security to themselves ? Wou'd they not if any Disgust shou'd arise betwixt him and his People, even upon any check given to his Ministers by Parliament, or their not complying with all that he might desire ; wou'd they not, I say, naturally insinuate, that the Freedom so taken by the People, was Contumacy at least, and that it was not so much  
the

the result of our natural Tempers, and civil Constitution, as of an erroneous Faith and Worship; and at the same time tell him that the slavish Submission of his other Subjects was the genuine Product of a purer Faith, and sounder Principles of Obedience, which their Church infus'd. How this wou'd work with a Weak, or an Ambitious Prince, a Tyrant or a Bigot, I leave any Considering Man to judge; or whether any thing but great Temper and Wisdom in the Prince cou'd prevent its ending in the Ruin of Him or Us, if not of Both. Our History affords but two Instances of Princes, that disown'd the National Church; and one of 'em ruin'd the Church, and the other himself. But I shall not enlarge upon these Precedents, because they were both of the *Roman* Communion, whose Principles are in great measure destructive of any Civil Government, which is not a Tyranny, and which I hope we have for ever excluded our Throne.

I have chosen to argue upon Supposition of a *Lutheran* Prince, not that I think that Persuasion less inconsistent with our Civil Constitution than any other, the Church of *England's* excepted; but because I thought it might probably happen sooner.

sooner to be our Case. What I have said on occasion of that is equally, if not more applicable to any Congregation of Christians, that own not the Church of *England*. *Calvinism* is the only other Persuasion, that makes any considerable Figure, and is become the National Religion in many of the Western parts of *Europe*; and differs not from us so much in Doctrine as in Discipline. But as it has been taught and practis'd in *England* and *Scotland* it seems almost abhorrent from our Civil Constitution, and next to Popery the least consistent with it. The Power which the Teachers of our Sectaries have usurp'd over the Understanding and Consciences of their severall Congregations, amounts almost to implicate Faith, and were they united under one common Spiritual Head, wou'd be almost as dangerous to the Government and Civil Liberties of the People, as Popery. We have seen, what they have been able to effect, disjointed as they are, and how far under a Prince that joins in Communion with us, they have been able by the Favour and Assistance of a Minister or two, to get into their hands the Executive part of the Civil and Military Power of the Nation, by procuring the Gentlemen of the



the best Quality, Estates, and Reputation, to be turn'd out of the Commissions for the Lieutenancies and the Peace all over *England*, and themselves to be put into their places, tho' destitute of all the Qualifications requisite for such Stations. How far this might have proceeded to the Subversion of the Establish'd Church, and in consequence of the Government, if the Late House of Commons had not stept in between them and danger, is no hard matter to judge. But the Ministry then were fortifying themselves with a Party at all Hazards, and Expences to the Nation.

What has been said may suffice to shew, that no Nation ought to trust a Prince, who is not a Member of the National Church, and much less we, whose Prince must be the Sole Head and Governor of it, which wou'd be absur'd if he were not a Member. But, however Paradoxical it may seem, A Prince is perhaps the only Person in his Dominions, who shou'd not be allow'd Liberty of Conscience. Because he is the only Person whose Persuasion, Countenance, and Example has so much Influence on the Publick, as to be of good or ill Consequence to his People. This, I hope, is  
sufficient

sufficient to justify the Parliament on this Article, and to shew that for the security of Religion every Prince ought to be of the National Church of his Country, which here is distinguished by the name of the Church of *England*; the Excellency of which I hope there is no occasion to defend at this time of Day.

The second Article was; *That in case the Crown, and Imperial Dignity of this Realm shall hereafter come to any Person not being a Native of this Kingdom of England, this Nation be not obliged to engage in any War for the Defence of any Dominions or Territories which do not belong to the Crown of England, without the Consent of Parliament.*

It has been the peculiar happiness of *England*, that since the *Norman Conquest* for near seven hundred Years, none of our Enemies have dar'd, or been able to invade us with any shew of Success; unless we will call the Pilfering Incurfions of the *Scots*, Invasions; which they durst never attempt neither, but when our hands were employ'd in Civil Broils, or Foreign Wars, and have however been always severely chastis'd for. For the coming over of the *Dauphin* of *France* above five hundred Years ago, when the  
Barons,

Barons, who were at War with King *John*, invited him over, and the late Expedition of our most Glorious Sovereign King *William*, in defence of our Religion and Liberties, are not to be call'd Invasions, because they were undertaken as Friends, at the Solicitation, and in Defence of the Nobility and People oppress'd. For however the Insolence and Misbehaviour of the *Dauphin* might shew him an Enemy, who came as a Friend, yet had his Conduct been as justifiable as his Call, he might perhaps have had the same success, and met with the same grateful Acknowledgements, that our present Gracious Sovereign has so long since done for his generous Assistance, and honourable Treatment of us. Instead of which, as soon as he began to shew himself without a Mask, he was sent back with disgrace, and made to know, that *England* valued not any Prince or Power, that came not honourably, and as a Friend. The only Invasion that has been (I can't say made, but) attempted since *William* the Conqueror, was that of the *Spaniards*, by their Invincible Armada in the Year 1588, in the Reign of Queen *Elizabeth* of Glorious Memory. Mighty Preparations were made in *Spain*,  
and

and such a Fleet fitted up for this Expedition, as the World had never seen before, great as their hopes and (in their own conceit at least) invincible as their Pride; and which according to their vain conceit they Christen'd, *The Invincible Armada*. The Pope, who, Good Man, uses to be very liberal of what is not his own, with his usual Generosity made King *Philip* a Donation of *England* and *Ireland*, besides his Blessing upon the Armada, by way of Insurance, and a Crusado to forward the Work, and engage all good Catholicks to assist it. This so animated the *Spainards*, that they look'd upon themselves as going only to take quiet Possession; so little did they think us able to oppose 'em. But the good Fortune of Queen *Elizabeth*, which never forsook her; and the Valour, Conduct, and Industry of that Matchless Seaman Sir *Francis Drake*, her Admiral, soon abated their Presumption. Sir *Francis* with a small Fleet, Burnt, Sunk and Took most of their Armada; so that of One hundred and thirty two, scarce Fifty Vessels, and hardly half their Men escap'd; an Action not to be parallell'd in the History of any Age, or Nation.

E. . . . . Such

Such Wonders cou'd the **Courage of the English** Seamen perform in the days of that Famous Queen, which made her the Scourge and Terrour of *Spain*, the Glory of her own Country, and the Protectress of her distressed Neighbours. And such we may expect again, when we shall see our Fleets spirited and led on by such active and daring Commanders. In this one Attempt expir'd the whole Naval Force of *Spain*, which till then was the Terror of the Universe; and, exhausted on that occasion, has never been able to lift up its Head since; and with it the *Spanish* Monarchy has declin'd, and droop'd, and hasten'd towards its final Dissolution, which perhaps may not be far off; and may (if God give us understanding to make a right Use of the present Conjunction) peradventure help to crush its proud Neighbour in its fall.

I have insisted on this memorable, tho' well known Story the longer, because 'tis the only Instance in all Our History of an Invasion attempted upon *England*, and the most remarkable one of what we are able to do in that Element upon an extraordinary Occasion; tho' we want not many others that might be cited to our Honour,

Honour, were it proper to this Place: However I can't but take notice of one thing here, which is, that this and all our other extraordinary Successes at Sea have been owing to that bold daring Spirit, which the Commanders (Men of tried Courage) shew'd on the several Occasions, thereby animating and Firing their Men by their own Examples to perform things beyond Expectation, almost beyond Expression. Whereas during the late War we seem to have fallen into quite contrary Measures, and by a lazy, unactive Administration of our Naval Affairs, to have dispirited our Seamen, and dissatisfied the People with the vast Expence of maintaining a great Fleet to do nothing; especially when they see some Officers without Hazard, Fatigue, or Action, raise Estates in eight or ten Years time, ten times greater, than that Great Admiral before mention'd, after Labours and Perils inconceivable, Successes and Services innumerable and unvaluable, and a long uninterrupted course of his Prince's well earn'd Favour left behind him. But the Age is grown wiser, there are nearer and safer ways to Wealth and Honour. Men sail now a-days to Preferment without the Compass,

and rise to Commands by other Arts, than those boist'rous destructive ones of Burning and Sinking, in which a Man gets a Mischief himself sometimes. Ships are not to be courted as heretofore with Guns and Bullets, as some of those Old-fashion'd rough Fellows have experienc'd, who have lost theirs (tho' not to the *French*) by delighting too much in that inharmonious loud Musick. This is a refin'd Age, and Sea-Service is grown nice ; a Gentleman may put himself into it without being a Sloven, and defiling himself with Pitch and Tar, or stinking of Gunpowder ; when *Pulvil* is so much more comfortable, and Familiar a smell. In short our Sea Officers are become the very *Pinks* of Courtesie ; all their Conduct is so neat and so inoffensive, that a little Improvement in their Dancing wou'd make the Command of a Fleet a pretty, innocent Employment for our Ladies.

But to return to our Subject ; Tho' we have been so quiet and undisturb'd at home, we have not been so happy in the maintenance of our Possessions abroad ; to maintain which, the Sword was in a manner constantly drawn for near four hundred Years ; till at last we were stript of all by those, whom we vanquish'd almost

most as often as we fought, and lost *Normandy*; *Aquitain* and *Guienne* to Enemies, whom we had conquer'd more than once, and reduced to the Condition of a Province. Nor are we perhaps to esteem ourselves the weaker for that loss. For tho' those Provinces were rich and populous, yet were they no accession of Strength to our Crown, but on the contrary a continual Charge, a Drain to our Treasury, and a Burying Place to our bravest Men, by which we gain'd nothing but an opportunity of shewing the Valour and Bravery of our Men. So hard it is for a Prince or State to keep Possession of a Country never so little disjoyn'd from the main Dominions, unless they will constantly maintain a Standing Force superiour, or at least equal to that of any of their Neighbours,

The Parliament therefore had reason, since they did apprehend, that this Nation might at one time or other see on the Throne a Prince, who had Foreign Dominions independant on this Crown, and far remote from us, divided not only by Seas, but by the interposition of the Dominions of several Princes, to provide against the inconveniencies, which they foresaw might naturally follow to *England*



from thence, and by a timely precaution to take care, that for the future her Blood and Treasure shall be expended only for her Defence and Service.

Nor is it insinuating any unkind Jealousy to say, that such a King may, nay and in some respects must have Interests separate from those of this Nation whereof he is head, and which may upon some occasions be contrary. His Subjects abroad will justly claim an equal share of his Princely Affection, and Tenderness. Their occasions may perhaps call for our Assistance, when our Interest may require us to be Neuters, which yet their Prince cou'd not deny 'em, were it a matter absolutely in his disposal. And therefore it is but reasonable, that his hands shou'd be so far bound, as not to dispose of us and what is ours to our own hurt.

Doubting is the Foundation of all humane Prudence, and therefore without Disrespect, or Injury to any Prince, to whose Lot our Crown shall hereafter fall, we may be allow'd to carry our Supposition a little farther. Suppose then, that the Accession of *Great Britain* and *Ireland* to his other Dominions shou'd raise the Ambition of our Prince, and prompt him to aspire (for example) in *Germany* to the

the *Empire*, and to employ our Wealth and Power to procure it ; or to make such other Conquests and Acquisitions upon his Neighbours, and he shou'd succeed in his Attempts. The Consequence of this wou'd be, that, when he had acquir'd to himself a larger, add to that, a more absolute *Empire* abroad, than that of these Kingdoms, he wou'd fix his Residence there, and leave us to be govern'd by a Viceroy, and perhaps a Foreign Army to secure our Obedience, and we be made the Instruments of our own Slavery, or at least of depriving our selves of the Benefit of our King's Prefence among Us. But this may be further consider'd under Another head.

The third Condition is ; *That no Person who shall hereafter come to the Possession of the Crown, shall go out of the Dominions of England, Scotland, or Ireland, without Consent of Parliament.*

This Condition, tho never before formally pass'd into an exprefs Law, has been always necessary, and always suppos'd ; and accordingly the first Instance of that kind (except in times of Usurpation or Rebellion, when Necessity was a sufficient Dispensation) the late King's leaving his Dominions without the Con-

sent of his People, was adjudg'd in Parliament to be an actual Abdication of the Government. The Disputes, that arose on that occasion, as they naturally will in all Cases great and new, are sufficient Reason, why the Ground of 'em shou'd for the future be taken away by a Positive Law ; which I hope is hereby so effectually done, that *England* shall never see a second Occasion for such a Decision.

It may perhaps be objected, That till now there was no express Statute requiring such Consent, nor any Examples of our Kings asking solemn leave of the Parliaments to go in Person out of the Land ; yet that divers of 'em have made Foreign Expeditions and Voyages, without being question'd for it by their Parliaments, either during their Absence, or at their Return.

But to this it may be Answer'd, That in the Reign of *Edward* the Second, the *Barons* in the Preamble of an Ordinance by them made by Authority from the King, under the Great Seal, seem to declare, That it was already the Law, that the King ought not to quit the Realm without the Assent of his Barons.

Now tho' that Ordinance was afterwards repeal'd by Parliament, for other Reasons not pertinent this place, yet  
what

what was Law before the making of that Ordinance, did not cease to be so after the repealing of it, tho' it ceas'd to be any longer so upon the Authority of that Ordinance. As for the Instances, it is confess'd, That our Kings did not formally ask leave of their Parliaments to go out of the Land, but they us'd to communicate their Intentions, and to advise with 'em thereupon, which was *tantamount*; and there is no Precedent of any one of 'em, that did go out of the Realm contrary to the known Sense and Inclinations of his People, till the late unhappy King first ventur'd to make one, and to bring that Point to a Judgment, which had been doubtful only for want of a Case to bring it to a Trial upon.

But whatever there has been formerly, there is now undoubted occasion for such a Law. We are under apprehensions of a failure in our Royal Line, and a necessity of calling to our Succession (if that shou'd happen) Princes, who have great Dominions, Alliances, and Expectations abroad, where their Power is more Absolute, and Uncontroulable, which may invite 'em to take up their Residence longer in those Parts, than may be consistent with the Interest and good Government

vernment of *England*. Besides the accidental Temptations, hinted in the preceding Article, which may arise from an ambitious Prince's own Acquisitions, Devolutions of Right, and other possible Avocations, may induce a Prince of Foreign Extraction, and that has large Dominions in another Land, to prefer some other part of his Territories for his ordinary Residence to *England*; whereby not only vast Treasures wou'd be constantly convey'd out of the Nation, but our Nobility and Gentry wou'd be tempted from home, and by Compliance with the Fashions of the Court, which they wou'd follow for Preferment, by degrees be tinctur'd with Principles, and habituated to Customs different from those of their own Country, which might in time endanger the overthrow of our Constitution. It wou'd be in vain to think of remedying these Evils, if ever they shou'd approach us near, and the danger shou'd threaten us immediately, and therefore the Parliament have given us a great Instance of their Wisdom, and prudent Foresight in nipping those Buds, which they foresaw they shou'd hardly be able to reach when full blown.

The next is, *That from and after the time*

*the Last Parliament.* 47

*time that the further Limitation by this Act shall take effect, all matters and things relating to the well governing of this Kingdom, which are properly Cognizable in the Privy Council, by the Laws and Customs of this Realm, shall be transacted there, and all Resolutions taken thereupon, shall be Sign'd by such of the Privy Council as shall Advise and Consent to the same.*

This is a Law that had been long wanting, and perhaps that want has been the greatest Defect in our Constitution, and the occasion of almost all the Publick Disorders for this last Hundred Years. Our Laws have indeed always made the Ministers accountable for the Advice they gave, and punishable if it were evil; But the Difficulty has been, when evil Council has been given, to discover the Giver. There has been abundance of ill Advice given, even of late, but there are no Advisers to be found. When the Council is Condemn'd, every Councellour disclaims it; when 'tis Applauded, all confidently value themselves upon it, as their own. When any of 'em are pursued, they take cover under the Throne; and the Reverence we pay to that, usually avoids the Justice we owe to them: Thus all Miscarriages become the King's, and

and all Services the Ministers ; and by an odd sort of Partition-Treaty the Loss and Odium are to be the Share of the Crown, and the Profit and Thanks are to be the Ministers. This is indeed no new Trick, it has been the Play for several Reigns, and has cost one King his Head, and another his Crown, and brought the Nation it self to the very brink of Ruine, which only God's Providence, and his present Majesty, with the Expence of many Millions to us, have prevented our falling into. And yet the Game was not given over ; they that had not perhaps Capacity to invent it, had however either the Skill or Opportunity to play it to more Advantage to themselves, than they that did. A Cully Nation was a Booty rich enough to tempt the fairest Gamblers to turn Sharpers, and accordingly she has been cheated by her demure Friends, that used to rail so soberly at the foul play of others ; they are come to play Booty themselves, and to throw the blame on him that only held the Cards, and had no other fault than too great a Confidence in their Integrity, and too high an Opinion of their Skill.

This Game has been so long, and so openly play'd, that the forbearance of the  
Nation

Nation has been interpreted Stupidity, not Patience ; and the Gamesters have seen us look on so long and so tamely, that they and their under Rooks begin to Bully us, and insolently tell us, *We have no Right to intermeddle with their Play.* They are mistaken however, the Concern is National, and there is no Spectator so unconcern'd, as not to have some share in the Stake, and consequently a Title to examine the Dice, and overlook the Play ; nor have we yet so little Sense as not to know it, or so little Courage as not to assert it. We have lost so much by Shuffling and Packing, that 'tis high time not only to call the Sharpers to Account, but to take effectual care that e'ry one shall deal above-board for the future.

This sort of Ambidexterity has frequently been complained of and prosecuted in Parliament, where such Practices have always been condemn'd as pernicious and abominable, and the Process almost as often let drop. Betwixt the Credit and Intrigue of the Accus'd, the Perplexities of Form, and Difficulty of Adjusting Pretensions, and the Facility of obstructing an Enquiry into these secret Transactions, where all that are privy, are



are in some measure Partakers of the Guilt, except those whom Reverence forbids us to interrogate as Evidence, it has been hard to bring any one to Judgment, to Punishment much harder. From these Impediments it has happen'd, that in many cases of this Nature, the whole Nation has been Convinc'd, yet no one Convicted; and tho' the Crimes have been notorious, yet the Evidence has generally been deficient. It has not therefore been for want of Power to punish such Misdemeanours, that they have so generally pass'd unpunish'd, but for want of such proper Methods of Detection, as might suffice formally to convict Offenders in a Judicial Way, and not be liable to be defeated by the Artifices and Machinations of Subtile, Malicious Men; without which no exemplary Justice can ever be done.

The Parliament therefore being satisfied, that a full and incorrupt *English* Council will always consult the Honour of the King, and real Good and Welfare of his People, and that those Steps that have in any Reign been made contrary to either, have been in pursuance of measures taken in private Cabals, and not in open and full Council, have wisely thought

*the Last Parliament.* 51

thought fit to put a stop to those growing Evils, the Effects of which in future Reigns they saw great Reason to apprehend, unless prevented; and with a Foresight and Providence becoming so August and Venerable an Assembly, have provided a Remedy for Posterity, which themselves and their Forefathers severely experienc'd the want of. It is to be hoped, that when all Matters shall be fairly and freely debated in full Council, and every Member of the Council shall be oblig'd to avow under his Hand the Advice that he shall give, or approve, we shall have no more Violent or Insincere Counsels given; or if such shall at any time hereafter prevail, if we shall again hear of Money levied without the Authority of Parliament, Exchequer shut up, *Quo Warranto's*, Dispensing Powers, Standing Armies, Regulations, Partition Treaties, and the like, 'twill be no hard matter to trace and reach such Advisers, and bring 'em to Exemplary Punishment.

If any thing be to be objected against the Parliament, upon the Score of this Law, 'tis that they have provided better for Posterity than themselves, and contrived a good Law to commence hereafter,

ter, of which we have present Necessity. It is the common Fate of all Courts to draw to 'em Men of no Principles, who design to Enrich and Advance themselves at any rate, and come thither as the proper Stage to practice their parts upon. These Men by their close Attendance, subtle Insinuations, officious Services, and pretended Zeal and Affection for the Person and Interests of the Prince, have sometimes succeeded to a Miracle. For as designing Men are oblig'd to be more careful of their outward Appearances, than honest ones, who fear no enquiry into their Actions, they have play'd their parts so well, that the Hypocrite has out-acted the real Saint; and they have so far wriggled themselves into the Favour of the Prince, that they have found Credit enough to remove, by false Suggestions, and whisper'd Jealousies, from about his Person, and from his Confidence, all those whom they suspected of Understanding, Integrity, and Courage enough to detect and oppose their Practices. By these Arts of Sycophantizing and Slander, they have found means to fill almost all the Great Places, that give immediate Admission to the Kings Person and Council, themselves

selves, or by their Confederates and Creatures, or to make those such that were possoss'd of 'em before, for fear of being supplanted by em.

By these Arts were those Cabals first introduc'd and establish'd, which have been since dignified by the Name of *Cabinet Councils*, a Monster unknown to our Antient Constitution, which nevertheless stares us now as boldly in the Face, as if it were an Essential Part of it. In these Cabals have all those pernicious Councils been hatch'd, which in the late Reigns so alienated the Affections of the People from their Kings, and kindled such Heart-burnings, such Flames of Dissension among themselves, that 'tis doubtful whether they can ever with safety be extinguish'd. The Privy Council were at first instituted to be assistant to, and advise the King in the Administration of his Government, according to the Laws of this Realm, in the Intervals of Parliament, and during their Session in matters of less Moment and Consequence, with which it was not necessary to trouble the whole Body of our Representatives; but in things of great and publick Importance they were consulted. This Council consisted of the Lords and great

Officers of the Court, the largeness of whose Estates was a sort of Security against Venality and Corruption, a kind of Assurance that they shou'd not betray, or give up those Rights in which themselves had so great an Interest. Or if any of 'em shou'd so far prostitute himself to the hopes of Favour and Advancement, as to advise any Encroachments on the Liberty of the People, the Number and Dignity of the rest was sufficient to awe and oppose him. Accordingly in antient times when any Infraction of the Civil Rights of the Subject was made, the Lords did frequently by their own Authority and Power give a check to such Practices, and oblige the King to remove such evil Councillors from about his Person.

But since the Reign of Cabinet Councils, the Authority and Credit of the Privy-Council has sunk extreamly both with King and People. All things have been manag'd in Cabal, and Privy-Councils serv'd for little more than to give a sort of Publick Sanction to what was resolv'd and concluded on by a few in private, and most of those that were to make the Order were not admitted to the Debate. Men of small fortunes and less Experience,

ence, have been taken into the Ministry and Cabinet, who were to make their Fortunes by Compliance, and that Slavish Obsequiousness has been thought a Reason for, which ought to have been a Bar to their Promotion. By this means we have seen Men come to lead Parties, and purchase Numbers of Votes in a House, who had not of their own wherewith to entitle 'em to Vote in Election out of it. From the advice of these Men Places and Pensions have been made a sort of Appanage to the Representation of e'ry little Burrough ; and Stockjobbing of Votes, as well as other things, has been introduc'd. Men have thought it worth their while to buy, since they had so good a Market to sell at. By these Cabals were our Princes taught to slight or neglect the Advice of their Parliaments, and inur'd to hear without notice the Murmurs and Complaints of their People. By these were the great and frequent Changes made in the Commissions of the Peace and Lieutenancy, and Gentlemen of the greatest Estates, Quality and Worth ; turn'd out to make room for Fellows of no Figure, Fortune or Reputation, that wou'd serve a particular turn. By these were Matters of the last importance to

the Nation transacted in a Clandestine manner, without consulting the Parliament, tho' sitting. And by these were Parliaments Prorogued and Dissolv'd, when there was an extream Necessity of their Advice and Assistance.

But these and a thousand other Grievances will be redress'd, when this Act shall take place, and the Nation will be enabled to judge better of the Merits and Abilities of all that are employ'd in her Service, and consequently to appoint 'em Posts and Employments more properly, and distribute Rewards and Punishments with more exactness; which is the true Spring and Hinge of Government. Nor does it minister less Encouragement to those that shall serve the Government faithfully, than Terror and Awe to those that shall enter the Publick Service for their own private Ends and Advantages only. For thereby every Man will be made to stand upon his own Legs, and be accountable for no publick Miscarriages and Mismanagements, but those which himself by his Advice or Assistance shall have promoted or contributed to. The Publick will grow Lusty and Vigorous again, leave off Spectacles, and see with its own Eyes. A few will  
not

not have the Power of Arbitrary Representation, and transferring Merit or Blame as they please. The Power of the Keys will be taken from 'em, they shall no longer admit or exclude at will, and Pardons, Merits or Indulgences, will become as unsaleable a Commodity in the Court, as the Church. But these are to be the Blessings of future Reigns ; at present the Wisdom and Justice of the King, and our own Vigilance must be our Security. However, Posterity have great Obligations to the late Parliament, who have made such a Provision for 'em, and taken off the Odium of the Caution from them that are to reap the Benefit of it. And we have great reason to think, that they who have been so careful to make a Fence about the Liberties of those that are to come after 'em, wou'd be no less watchful and solicitous to preserve their own, did they not know themselves secure under the Protection of His Majesty.

Of no less Importance and Consequence is the following Clause of the same Act, which provides,

*That after the said Limitation shall take effect, as aforesaid, no Person Born out of*  
F 3 *the*



*the Kingdom of England, Scotland, or Ireland, or the Dominions thereunto belonging (although he be Naturalized, or made a Denizen (except such as are born of English Parents) shall be capable to be of the Privy Council, or a Member of either House of Parliament, or to enjoy any Office or Place of Trust, either Civil or Military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown to Himself, or to any others in Trust for him.*

The little experience we have had has taught us not to depend too much on the Affections, or to relie on the Counsel of Foreigners. How strong soever we may fancy the Obligations we lay upon 'em to be, they are, and look upon themselves but as Sojourners here, and will remain no longer among us, than till terms of Security or Advantage shall invite 'em to return home, and perhaps to carry with 'em the spoils of a too Hospitable Country. Our History does not indeed afford us many instances of this kind; because such has been the Prudence of our Forefathers, few Foreigners have arrived at any Degree of Civil Power in this Nation, till very lately, (since the Normans made themselves at once Masters of the Soil and People) tho' it has been always

open.

open as a Sanctuary to the Oppressed of all Nations. Yet we are not quite without an Example, and that a very fresh one too ; when a Person whose Merit or Services to this Nation, no Man cou'd ever yet discover, shall have been thro' our foolish Indulgence or Connivance suffered to enjoy Places of the greatest Honour, Trust and Profit, and admitted to the highest Dignities and Privileges both in his own Person, and for his Family, encumber'd with vast Salaries and Perquisites , and loaden with private Bounties and Grants, which notwithstanding a constant Contempt shewn for the Nation,flow'd in perpetually for some Years upon him, yet thought not fit to trust this Nation with the Protection of that Wealth, which thro' her Favour, and at her Expence he had gather'd, but converting into Money her Palaces, Royalties, Lands and Tenements, has convey'd into another Land a greater Estate than any of her Antient and Genuine Nobility enjoy at home, and notwithstanding he has procur'd for himself and his Posterity, a Place among our Nobility for ever, yet out of more than half a Million gotten here, has not left enough in the Land to entitle any of his Descen-

dants to the Dignity of a High Constable. If this as a single Instance shall not be thought sufficient, we need not look very far to see Palaces rising abroad at our Charge, becoming the Majesty of the greatest Kings, and far above the Dignity of Private Subjects, for whom they are built; of which I shall take no other notice, than that these things being done in the very dawning of some Men's glorious Days, are no good Arguments of their Intentions to settle and perpetuate themselves among us, however ambitious they may seem of Titles and Dignities here; but on the contrary, they are sufficient Indications, that these Men presume, where-ever their Sun rises, that it will set there.

*Experience* (says the Proverb) *is the Mistress of Fools*; and therefore Wise Men will take warning by a very few Examples. Those that stay for more, may probably lose the opportunity of profiting by 'em when they have 'em. It is an Observation in Politicks as well as Husbandry, *That the barren Suckers draw more from the Stock, than the Fruitful Branches*; and therefore wise States take care, and prune 'em betimes. If then it shall appear, that all Foreign Grafts upon  
the

the Ministry in *England*, have been of the Nature of those Suckers, that serve only to impoverish the Stock; and if it may be demonstrated from Reason, that they will in probability ever be so, not only here, but in all Free States, I suppose it will readily be granted, That it is better to hinder their being grafted, than after they are as it were concorporated, and are well grown, to tear 'em off by Violence, which may endanger the main Trunk, and is the very Case this Clause provides against.

The first King that admitted Foreigners into his Councils, and suffer'd himself to be Advis'd by 'em in the Administration of the Civil Government, was *Henry* the Third. He had brought over with him from *France*, a great Number of *Poissouvins*, to gratifie whom, by the Advice of *Hugh de Rupibus*, Bishop of *Winchester*, and *Peter de Rivalis*, both Foreigners, he takes an unjust occasion to quarrel with all his Nobles and great Officers at once, proceeding against some by Fine and Confiscation, and removing all in general from his Councils, and from their Posts, which he fills with Strangers. The Lords hereupon Confederate, they refuse to come to Parliament,  
they

they require him to remove the Bishop of *Winchester* and the *Poictouins* from Court, and threaten that unless he complied with 'em herein, they would by force drive both him and them out of the Land, and make a new King. These Troubles had after two Years a short respite; the King's Necessities forcing him to comply, and to remove all *Strangers* from about him. But this was a violent Remedy, and its Operation but of little continuance. No sooner was the shaking Fit over, but the hot Fit for *Strangers* returned, and with it they. Want, the constant Attendant on such Guests, follow'd his *Strangers* close at the Heels. and the King with Oaths and Solemn promises of using only the Counsel of his *Natural* Subjects, never to violate their Liberties, nor to injure the Nobility, prevails once more upon his Parliament to relieve his Necessities. A Subsidy is granted, but so, as that it be lodg'd in the Hands of Persons appointed by Parliament to receive it, and to restore it to the respective Counties whence it was collected, in case the Conditions stipulated were not performed. The King seizes the Money rais'd, links himself yet more closely to his *Foreigners*, and neglects his Promises to his People.

People. By these Breaches of Promise, and his giving himself up to the *Counsels* of *Strangers*, he so lost his *Credit*, and the *Hearts* of his Subjects, that his whole Reign, which was the longest of any King's of *England*, was a perpetual Scene of *Discord*, *Rapine*, *Poverty*, *Profusion*, *Wants*, *Taxes*, *Cravings*, *Repulses*, *Beggery* and *Shame*, in all which the King was either *Actor*, or *Object*, and alternately both; till at last, when heaping *Bishopricks*, *Earldoms*, *Lordships*, *Honours*, *Royalties*, *Offices*, and all sorts of preferments on his *Creatures*, he had spoil'd his *Subjects*, squander'd his *Treasures*, wasted his *Revenues*, and to compleat all, and gratifie their insatiate Avarice, sold his *Plate* and *Jewels*, and the *Dukedom* of *Normandy*; the *Earldoms* of *Anjou*, *Tourain*, and *Main*; and reduced himself so low, that he was forc'd to beg for his Subsistence; he was despis'd by those he had rais'd, & hated by those he had oppress'd, to that degree, that *Simon Mountfort*, one of those *Foreigners*, whom he had foster'd, upon a private Disgust had the Insolence to give him the Lye to his Face, and to threaten him in a scandalous manner publicly before the *Lords*, and was protected by em. Thus this King by adhering to the Advice

Advice of *Foreigners* protracted a Long, Troublesom, Inglorious Reign of *Injustice, Want and Disgrace* ; and tho' he left his Subjects at last better secur'd in their Rights and Liberties by *Magna Charta*, and *Charta de Forestis*, than ever they had been before, yet died unthank'd and unlamented.

*Edward the Second* neglecting the better Example, and Advice of his Father, and trod directly in the Steps of his Grandfather, but with worse Fortune. Immediately upon his Accession to the Throne, he recalls *Pierce Gaveston*, whom his Father had Banish'd. To him the King resigns himself to be govern'd wholly by his pleasure. But *Gaveston* grown wanton with his Authority, by Rapacious Avarice soon distress'd the King, and by his Insolence so provok'd the Lords, that Confederating they oblig'd the King to Banish him, and all *Strangers* the Court. *Gaveston* was sent into *Ireland*, but soon recall'd by the King, who could not bear his Absence. But returning as well to his former Insolence and Extravagance, as to his Master, and draining the King of the necessary Supports of himself and the Queen, tho' he had strengthen'd himself by a Match with the Sister.

ster of the Earl of *Gloucester*, the Darling of the People, he was again, by the Lords, driven into Exile, not to return any more on pain of being treated as an Enemy ; which he venturing to do, was taken by the Lords, and had his Head accordingly cut off. He was the Son of a *French Gentleman*, and a sort of Foster Brother to the King, being bred up with him, had divers extraordinary good Qualities ; his Faults were *abusing* the *Kings Favour* in *converting* his *Treasures* to the Support of his own Riotous Cravings, and infusing into the King an *Aversion* for his *English Nobility*, the evil effects of which expir'd not with him. The Impressions which he had made on the King, lasted during his Reign ; and tho the finishing was reserv'd for others, the Foundation of all those Evils which ensued, were laid by him, which in the end cost the King his Crown and Life.

These are the only Kings of *England* since the Conquest, who have been so unhappy, as to place their Affections and Confidence in *Foreigners*. And the Troubles and Misfortunes of their Reigns may be a sufficient Lesson to those, who are only to be instructed by Example, how dangerous it is to admit *Strangers* into



into the *Ministry*, and *Councils* of a free Nation. As for these that are born with Saddles on their Backs, 'tis no great matter who bestrides 'em.

But History can only inform us what has been, and that not always with certainty in the particulars of the Facts themselves, much less in the secret Causes and Springs of Action. Reason will carry us much farther, and we may in some measure penetrate into what's to come. And tho the wisest Mortals will and must fail frequently in their Conjectures about particular Events, many Circumstances being meerly contingent, or absolutely hidden from humane Foresight; yet in generals we may proceed with surer Steps, and arrive almost at Moral Certainty; at least so much of it, as may suffice to frame Rules, which with the proper Exceptions, which e'ry Wise Man's own Prudence will on occasion suggest to him, may serve for the Conduct of Life.

The Contrivers therefore of this Law, joining just Reasoning to Experience, have thought fit to exclude *Strangers* from having any Share in the *Administration* of the *Government* of *England*. Not that they doubted whether other

Coun-

Countries cou'd produce Men of as great Wisdom and Integrity, and as fit to rule Stat:es, as their own ; But because they knew, that such Persons were, of all Men, least likely to want Employment at home, or to offer their Service abroad, without a lawful Call ; and because they cou'd not have that Experience, or Assurance of the Fidelity and Integrity of *Aliens*, that they may have of their Natives, they thought it safer to want the Service of many good Men, than to run the hazard of one bad one. Not but that it may be our Fortune to make choice of some such from among our own People. But neither is the hazard altogether so great, nor are their Errors or Faults likely to be of such dangerous Consequence to a Nation, as those of *Strangers*. The innate Love which Men are observed to have for their own Country, is a Security for the Native, that he shall always consult the Interest of his Country - when it interferences not with his own particular, at least in preference to the Interests of any other Country ; a Security which an *Alien* can't give. The Habitude of Customs, Manners, Forms, and Opinions (natural Affection apart) make Life more easie and comfortable to 'em  
in

in a Country where by Education these are become Familiar, and in a manner Natural ; than where to conform themselves to the Figure and Fashions of the Place, they must put a force upon themselves, and live in perpetual Constraint, and appear like ill Players, always Acting a Part that does not fit 'em. Besides, the Engagements of Interest, Relation, and Friendship, are so many Obligations upon a Native to acquit himself so, as not to forfeit the Benefit of all these Conveniences ; whereas a Stranger may upon any Disgust or Apprehension of Danger, remove with as much Facility, as he came, and live in as much Comfort any where else.

The usual Reasons why Men quit their own Country to settle in a strange Land, are *Protection of Person*, or *Improvement of Fortune*. Now either of these is a just Bar to the admission of such Persons into the *Councils* of the Nation. For if they flie their Country, they do it either as *Criminals*, or as *Persons oppress'd*. As the first, 'tis a Question, Whether we ought to protect 'em or not ? And nothing can fairly excuse our so doing, but our not being oblig'd to enter into the Merits of their Cause. But we must be  
mad,

that, if we entrust those with our most important Affairs, who come hither only because their Honesty is suspected at home. As the latter, Humanity obliges us to receive 'em kindly, but Prudence forbids us to take those into the *Administration* of our *Publick Affairs*, who come *Strangers* to the *Laws, Policy, and Constitution* of our Nation, instituted and educated under a different sort of Government, and Civil Discipline; and perhaps habituated so as to think themselves happy in a moderate degree of *Slavery*, and aw'd so as not to dare to assert the *Right of Subjects*, as upon just Occasions, *Ministers* ought. Besides, Experience has taught us, That such Persons are always ready to receive Proposals of returning home, and therefore we must expect to be deserted, when ever their Natural Prince shall think fit to invite 'em back, by offering Terms of Security. Nor is it improbable that they may sometimes purchase that Grace at the Expence of the Trust repos'd in 'em. Such Precedents there are, and they may be followed. For amongst all the Improvements that these latter Ages have made upon the foregoing, I don't find Simplicity and Sincerity to have any share. The Par-

G

liament

liament therefore have taken a wife course, by excluding all, to prevent our being ruin'd by some, thro' too general a Confidence ; or unjust to others, by a too particular Suspicion.

It has sometimes been thought good Husbandry to give *Places* and *Commissions* to *Foreigners* of *Quality* ; thereby to support 'em in some measure answerable to their *Quality*, and former *Condition*, and excuse the *Privy Purse* from the Charge of a *Pension*, which might otherwise be expected. This were good Policy, if *Places* were design'd in the nature of an *Hospital*, only for the support of those, who knew not how otherwise to live according to their Rank. But, if they were contriv'd (as no doubt they were, or ought to have been) for the the Service of the *Publick*, then it is a very mistaken piece of thrift to fill 'em with useless or improper Persons, which were intended for the Encouragement and Reward of Ability and Merit.

It may be objected, *That there are many Places of much Ease and little Trust, which require no great Industry or Capacity, to discharge one's Duty well in, and therefore there can be no danger in admitting Strangers to such.*

But

But it may be Answer'd, *That 'tis hard dealing with the Native, to put him always to the labouring Oar, without respite. Such Places ought to be the Reward of long and great Services, as an Acknowledgment of past Merits, and an honourable and comfortable Retreat from Fatigue and Trouble. As for Strangers, 'tis more Noble, and Safe, to sub-*sist 'em by the Charity of the Crown, by way of Pension; *than by Places, to give 'em a Claim of Right to Profits, which the nature of their Service can't deserve, and thereby discontent those whose Merits may give 'em just Pré-*tensions.

As for those, who to better their Fortunes, Voluntarily take Service under a Foreign Prince, or State, they ought to be look'd upon as *Mercenaries*, who, indifferent as to the *Interests* of the Public, have regard to their own *private profit* and *advantage* only. For whether stipulating at their entrance into the Service, they honestly set a price upon their Assistance, or trusting to their Fortune, Merit, or Address, leave it to be rated afterward, the matter is the same, and the Difference is only in the Manner. Interest, which gave 'em to us, will at any time take 'em from us again; and they ought therefore to be punctually

G 2

paid

paid according to agreement in the case of Stipulation, or rewarded in proportion to the real Merit of their Services in the other.

But how useful soever such Men may be in *Foreign* Wars and Service abroad, the use of 'em may be dangerous at home. It is not safe to trust our Arms or our Counsels out of our own Power. For tho' some wise States may without any Fatal Consequence have trusted the Execution of their designs to hired Troops, yet the part of advising, and directing, they always kept to themselves; and none ever let Strangers into their Councils, without danger to their Liberty, and finding sufficient Cause to repent it.

I speak now with relation to the Body of every Nation, the People. For where a Prince is so unhappy, as to think his Interests separate from those of his People, *Strangers* may probably be better Servants than his *Native* Subjects, if any may be call'd good, who shall infuse, or confirm so pernicious an Error. They will be most ready to promote *Arbitrary Counsels*, who have much to hope from 'em, and nothing to lose. They will be willing to give up the *Rights* of the *People*, in which they have no *Property*, to erect

erect a *Dominion*, which they will hope to *share* under the *Sovereign*, and be content to be *Slaves* to him to *domineer* over the rest. They will endeavour to *debauch* the Prince with false Notions of Pleasure or Power, that they may themselves be the *Ministers* of his Lusts. They will magnifie the *Prerogative* excessively, and call all those who shall in *Council* dare to defend the just *Rights* and *Liberties* of the People (by whom they will ever know themselves hated and suspected) saucy and disloyal ; and will endeavour to remove from about the Person of the Prince, all such as shall dare with honest Counsels to oppose 'em. They will by base Flattery, and slavish Obsequiousness, endeavour to *Monopolize* the *Favour* of the *Sovereign* ; and by false Insinuations, malicious Suggestions, and forg'd Calumnies, to *poison* him with *Jealousies* and *Apprehensions* of his *Subjects*. They will tell him, *That he is too Indulgent ; That his Lenity makes his Vassals Insolent ; That the lightness of their Yoke, makes 'em Wanton and Saucy ; That he ought to exert, and make 'em feel his Authority, and tremble at his pleasure ; That Submission, and entire Resignation to his Will, is the Subjects part ; That a limited Obedience is a Trayterous No-*



*tion ; and Petitioning, actual Rebellion.* They will perswade him, *That he is not safe in the Hands of his Subjects ; and that such a Guard will be necessary for the Security of his Person, as having no other Interests or Dependance in this Nation, than on him, may be devoted without reserve to the Execution of all his Commands.* Thus they will by degrees, attempt to instil into him the *Principles of Tyranny*, which by an *Ambitious, a Weak, or a Cowardly Prince*, will be greedily suck'd in ; and when they have moulded him to their purpose, they will, under colour of his Authority, Plunder and Pillage the Nation, and enrich themselves with the Spoils.

I know some think such Conditions as these too hard : That 'tis the Prerogative of our Kings to employ whomsoever they think fit, about their Persons ; and to use the Counsels of those, in whose Fidelity, Experience, and Affection, they can confide, of whatsoever Country, or Nation. That thereby we abridge their Power of rewarding those that serve 'em faithfully, and deprive 'em of the Service of good Ministers : That there is not always a Minister in the *Ministry of Foreigners* ; and that Ministers may sometimes be so corrupt, as to attempt to mislead their Masters,

Masters, and the Princes often too wise to be misled by 'em, if they shou'd attempt it.

I grant that this Proviso may be sometimes unnecessary, but, that it can ever be hard, I deny. The People may be sometimes so secure in the Wisdom, and Gracious Disposition of their Prince, as may make their own Care and Vigilance useless ; but they are not therefore to presume, that they shall never have occasion for 'em again. 'Tis for this reason that our Senate, exercising their Prudence in providing against remote Evils that may be, but are yet in the dark Womb of Fate, leave the present time to the *Conduct* and *Disposition* of *His Majesty*. But they are not so besotted with their Happiness, as not to know, that at some time or other, it must have an end ; and that we are not to expect a perpetual Series of such Reigns. A Prince may arise, that may not be of such a Gracious Disposition, and have so Fatherly a Tenderness for his People, with such extraordinary Personal Endowments to enable him to protect and defend 'em ; and therefore as his power of doing 'em good, and perhaps his Inclination too will be less, so ought that of doing 'em hurt also. It

wou'd not be Justice to His Majesty, to complement Princes yet Unborn, with that Confidence, which is all the Reward of those Hazards and Fatigues he has sustain'd for our Preservation, and Defence. But a good Prince can neither want nor desire the Power of doing us hurt; and tho' a bad one do both, he is, for that Reason, not to be trusted with it upon any pretence of Prerogative whatsoever.

Power is a Morfel so delicious, that scarce any, who have ever tasted it, could be contented with their proper share. And Ambition is a Gulph, that is always filling, never full; e'ry Meal is a fresh Whet to its Appetite, and the more it has, the more it craves. If then we shou'd happen to have an *Ambitious* Prince, and a *Foreign* Ministry (which but for this Clause, might at some time or other, be our Case) what must become of our *Civil* Constitution? *Henry* the *Third*, and *Edward* the *Second*, were Weak, Cowardly, and Dissolute Princes, and their Barons were Valiant, Wise, and Powerful; yet the first, through the Rapaciousness of his *Foreign* Favourites, was necessitated, and by their Advice and Assistance, embolden'd  
and

and enabled to Invade and Distress his Subjects in their Rights and Properties, which but for the vigorous and stout Resistance of his Barons, he had irrecoverably ruin'd; and the other was instigated to such things, as at last brought him to a miserable Catastrophe in a Private Condition. Had either of these Princes had the *Talents* of a *Neighbouring Monarch*, there had been an End of the *English* Constitution, and *Slavery*, *Want* and *Wooden Shoes*, had been the miserable Portion of the People of this yet happy Island. And perhaps the Swarms of Locusts, which those Countries daily sent over hither, was none of the least Reasons, why the *English* parted so tamely with so considerable a Barrier to *England*, as *Normandy* and *Aquitain*.

If then our Ancestors thought fit to purchase the absence of Strangers at so dear a rate, to recover their Liberty, how careful ought we to be to keep 'em out, and secure it? For shou'd a *Prince* of *Courage* and *Prudence* arise, who shou'd aspire to make himself *Absolute*, when the *Civil*, or *Military Sword*, and perhaps both shou'd be in the Hands of *Aliens*, what cou'd a naked disarm'd People do  
in

in defence of their Liberties? They cou'd not expect those Strangers shou'd undertake their Protection against the Encroachments of their Prince. That were directly against their Interest, which wou'd be by making themselves necessary to, and instrumental in the promoting his Arbitrary Designs, to gain Credit and Authority with him, and tyrannize under him, and by clapping Fetters on the *Lords* and *Commons*, secure 'em from putting Halters about their Necks.

But tho' we cou'd be sure, that no King of *England* wou'd ever hereafter entertain any such thoughts; tho' we cou'd be certain of a perpetual Succession of Princes, who out of their innate Goodness, wou'd not even accept of the Exercise of more than their just and lawful Power; yet wou'd not this Law cease to be useful, tho it were not so absolutely necessary. For tho the Gracious Disposition of the Sovereign himself, wou'd then be (as it now is) a sufficient security against any Attempts upon our Liberties on his part; yet since we have entail'd our Crown on a *Sovereign Family*, *Natives* and *Hereditary* Princes of another Land, on whom 'tis to be fear'd  
it

it may in no very long tract of Time descend, we may reasonably expect, that the first of 'em, that shall take possession of the Throne, will be follow'd by numbers of his Countrymen; who, tho' they have no hand in his Advancement, will hope to share his good Fortune; and through the Bounty of their Master, to taste the Fruits of a rich and plentiful Country, for which they have never labour'd. And, as Princes feel their Hearts enlarg'd with their Fortunes, 'tis usual for 'em to begin their Reigns with Acts of Generosity and Bounty; of which, none are so likely to feel the comfortable Influence, as the old Servants, Country Men, and Subjects, to whom, under pretence of rewarding past Services, they are willing to shew their Magnificence and Grandeur, which must be done at the Expence of their new ones, who out of their abundant Zeal (which, contrary to the common course of Natural things, is always strongest in its Infancy) are, on such occasions, rather apt to prompt and encourage, than to curb the Extravagance of their Prince, however they repine at it afterwards.

Besides, the Community of Speech, Religion, and Customs, past confidence  
and

and Familiarities, and other Engagements of an elder Date, make conversation with his *Foreign Subjects*, infinitely more easie and pleasing to a *New King of Foreign Birth and Education*, than with his *New Ones* ; whom, 'tis a great while e're he knows, and longer e're he readily understands. This gives his *Foreigners* the sole opportunity of entertaining him in his private Recesses at his Hours of Diversion and Pleasure, when in the midst of Gaiety and Mirth, the passions to the Heart are least guarded ; an advantage over his New Subjects so great, that tho (by our Supposition) they can't improve it to their hurt, they will be sure to do it to their own Use and Benefit, and perhaps to the exclusion of the others for ever, from his nearest Affections, where they will themselves always fill the first places. For it is observable of Princes, as well as private Persons, that the Confident, and Instrument of their Pleasures, shares a greater measure of their Favour, than the partner of their Labours and Dangers, and often mounts over his Head. This will likewise give 'em means, by working the Prince at proper Seasons, which they only will have the power of, to turn the whole stream

stream of his Liberality and Bounty upon themselves ; and by false Representations and Characters of the Natives, whom the Prince by these Arts will be kept from knowing sufficiently, to fill with their own *Creatures* and *Dependants*, all such Places, as, to avoid Envy, themselves shall think fit to decline : By these means the *best*, and *bravest*, who will scorn such dependance, will be excluded and disoblig'd ; and Men of *narrow Fortunes*, and *narrower Spirits*, intending only their own Profit and Advantage ; Men of more *Craft* than *Wisdom*, and fitter for *Secret* and *Corrupt Intrigues*, than *Open* and *Generous Councils*, will be admitted into the *Administration* of *Publick Affairs* ; whence will follow *Publick Grievances*, and *Discontents*, and unavoidable *Jealousies*, and *Misunderstandings* between the *King* and his *People* ; till the *Publick Voice* shall inform him of the *Abuse* of his *Favour*, and he shall learn to *distinguish* Men by their *Miscarriages*.

These are the *Grievances*, that will naturally follow the *Administration* of *Foreigners*, in the Reign of a Wise and Good Prince ; which in that of a Bad, must necessarily be attended with all the Miseries, and Calamities that an Unhappy



py Nation can suffer. But of all these, the Parliament, by a wise and timely provision, has anticipated the Apprehensions. For which, Posterity can never make 'em sufficient Acknowledgments.

But as not only *Foreigners*, but our own *Natives* may be corrupt, and the Nation thereby endanger'd, especially if such Persons shou'd come to have Session in *Parliament*, and bear a part of the *Legislative* Authority, to keep the Poison as far as possible from the Fountain-head, Provision is made in this Act.

*That no Person, who has an Office or place of Profit under the King, or receives a Pension from the Crown, shall be capable of serving as a Member of the House of Commons.*

This House is the *Guardian* of the *Rights* and *Liberties* of all the *Commons* of *England*, a third part of the *Legislative Power*, and one of the *Thréé Estates* of the Kingdom; which being instituted as Checks, and Counterpoises to one another, for the better securing our Liberty against all, have their distinct and separate *Rights*, *Priviledges* and *Powers*, as well as common, which ought to be kept Sacred and Inviolable; otherwise our Constitution is lost. For, whensoever any

one

one of these becomes *subordinate* to, and *dependant* upon either of the other, the *Civil Ballance*, wherein lies our Security, is destroy'd.

All Attempts upon the Rights of any of these, are dangerous to the whole, especially those of the *Commons*, who being vastly the majority, and the only indispensably necessary part of a Commonwealth, their Safety and Security ought to be consulted, and provided for, before that of any Branch, and even against it, if ever they shall happen to be inconsistent. Our Constitution itself, so long as it shall be preserv'd unbroken, is a sufficient Guard against any Invasion upon any of 'em by open Violence ; no one of the Three Estates being entrusted with so much Power, as to be able forcibly to take from either of the other, any of its Rights. But on the other hand, the Remedy for *Corruption* does not seem so apparently included in the *Frame* of our *Civil* Constitution ; tho in reality it is so. And therefore that, as the most covert and most effectual Method, has been pursued by our late Managers. For tho it was not feasible to bring the *House* to have any dependance on the *Court*, yet it was not impossible to bring great numbers of the  
Mem-

Members, for their separate Interests, to be retainers of it. To effect this, all *Places* as they became vacant, were filled with *Parliament Men*, and great Endeavours were used to procure such to be Chosen, as were already possess'd of *Offices* ; in which they were so successful, as to prevail in many places, where they had never been seen, and perhaps scarce heard of, before they appear'd as *Candidates*.

To make the more room, besides a great number of *new created Offices*, the old ones were *split* into *Commissions*, whereby the Nations Expence was greatly encreas'd, and the number of Officers excessively multiplied.

By these means, we have seen at one time in the House, near 300, who all held places at the Kings Pleasure ; who, together with those, whom *Secret Pensions*, *Future Hopes*, and other *Private Engagements*, drew after 'em, made a *Party* so formidable, that some great *Courtiers*, by whose Inspiration they mov'd, grew Insolent ; and within Doortreated those Gentlemen with Contempt, who came thither only to serve their Country, without any separate regard to themselves ; and without Doors, had the Hardiness  
to

and without Doors had the Hardiness to promise for the *House*, before they consulted it. The success of this Method was such that they came at length in a manner to avow it; and whenever Application was made to the *Ministry*, for any *Place* depending on the *Court*, worth so much as 200*l. per Annum*; Enquiry was made, Whether the *Party* was a *Member*, or could procure himself to be Elected, so far was it become a necessary Qualification; insomuch that a great Lord told one, who, upon some considerable Service done, made Suit to him for a Place then vacant, *That he should have any Pension, rather than a Place, because the King had not Places enow to Gratifie his Friends in Parliament.*

Thus was the *House* rent into Factions, known all over *England* by the Names of *Court* and *Country Parties*; which Division was artificially kept up by some *Great Officers*, and the Breach industriously made wider by them, and heir Creatures, who having possess'd themselves however unworthily of the King's Favour, dignified themselves with the Title of the *King's Friends*, in exclusion to all others; and labour'd to shut up all the Avenues, and render him

H

inaccessi-

inaccessible to all ( but those to whom they gave Admittance ) stigmatizing 'em as *Jacobites, Disaffected Persons, and Enemies* to his *Government* ; tho' they did on all occasions, give as hearty *Demonstration* of their *Affection* for the *King's Person*, and *Zeal* for his *Government*, and the *Service* of their *Country*, as the most forward of themselves, but upon *better Principles*.

These Practices however Convinced Discerning, and Disinterested Persons, that *these Men*, who bellow'd so loud, and boasted so of their *Services* for the best of *Kings*, wou'd have done as much for the worst, upon the same *Considerations* ; and that nothing was wanting, but an *intimation* from the *King*, That the *Liberties* of his *People* wou'd be an *acceptable present* to shew how ready they were to *sacrifice* 'em to his *Pleasure* and their *own Profit*.

These Proceedings terribly alarm'd all good Patriots, who plainly saw, that they enjoy'd their *Liberties*, meerly by the *King's Grace*, and *Indulgence*, who would not take those *Advantages* against 'em, which these *Parasites* offer'd him. This equally rais'd their *Value* and *Affection* for the *King*, and their *Abhorrence*  
of

of such *Ministers*, which was so much the greater, for that this was the most effectual way of *ruining* their *Country* for ever. Men that are outed by Violence, or stript by Cheat and Surprize, have the *Law* on their side, and where that wants Power to redress, may recover their *Right* by *Force*, or such other means as they can. But the *Law* provides no Remedy for Fools; he, that ruins himself by his own *Act* and *Deed*, must e'en sit down contentedly, and abide by the loss. This had been our case under another Prince; and therefore to prevent the like danger for the future, divers *Worthy Patriots* did several times attempt to get a Bill pass'd, commonly known by the Name of the *Self-denying Bill*; but those Attempts were constantly defeated by the *Court Party*; till in this own short Clause they summ'd up that whole Bill, and gain'd at last, that Point, in which they had so often before been baffled.

The Common Objection against this Clause is, *That it disables many Persons, who by their known Abilities, and approv'd Integrity, were qualifed to do their Prince and Country Service in both Capacities.*

And thus far this Objection may be maintain'd, both from Reason and Ex-

perience, That 'tis possible now and then to find a Man of too much *Understanding* to be *misled*, and too much *Honesty* to be *Corrupted*, and consequently fit to be entrusted with all the Powers that he is able to execute. But such Men are almost as rare as White Crows, and not so distinguishable. They are fit for all manner of Employments, when we can find 'em, but they are not to be expected, and therefore it behoves us to provide as well as we can, against such as are of another Complexion. 'Tis a receiv'd Maxim even in private Dealings, That we ought to presume, every Man to be very honest, yet to deal with him as cautiously as if we knew him to be a Knave. This holds better in Concerns of the Publick, where the importance of the Trust, and the Danger of Corruption is infinitely greater. There are undoubtedly Honest Men in the Nation, but 'tis hard to distinguish 'em, the Knaves look so like 'em; and to do it by trial is dangerous, the Experiment in Publick Affairs costs too much. But since 'tis impossible to find all Men honest, it is our Duty, as far as it is practicable, to make 'em so; and where that can't certainly be effected, to take care not to trust 'em too far. *The House of Commons*

*Commons* are *Trustees* for the whole *Nation*, and therefore they do well to keep temptation at a distance, and to admit no Man amongst 'em, who may reap any *private Advantage* by betraying his *Trust*. Where e'ry Man is suspected, no particular one is injur'd, and 'tis safer to lose the Service of many Good Men, than to be once in the Power of a Bad one.

'Twas evident to the *House*, from their earnest Endeavours for the *Establishment* of a *Standing Army* in time of Peace, what sort of *Government* a certain Sett of Men aim'd at, who were for forcing the *Instruments* of *Tyranny* into the *King's* Hands; and it was no difficult matter to guess how *Innocent* they intended to be, who labour'd so hard for means of *Impunity*. And therefore, to prevent for the future any Attempt to *betray* our *Liberties* by so *pernicious* an offer, in any Reign to come, when perhaps it might be better relish'd and accepted, than by our Present Gracious Sovereign; they have by this *Clause* excluded those sort of Men, whom Reason and Experience both teach us to be most forward in such Enterprizes. For Men that have great Places, and but small Estates, have in a manner enter'd into an Engagement to be more observant of the Plea-



sure of the Court, than of the Interest of the Nation; at least the Court has better Security for their good Behaviour, than they are able to give their Country, And therefore till we are sure, that Men are not to be corrupted, or till it is impossible, that the Court shou'd pursue any Interest, which is not in every respect the Interest of the whole Nation; these Court Benefices may justly be esteem'd so many Baits to lure Men from the Rigour of their Duty, and those that enjoy 'em, may without affront be looked upon as Persons under temptation, and consequently not to be *trusted* with the *Guardianship* of our *Liberties*.

These have been the Men, who in all Reigns, and on all occasions, have been ready to justify the *Irregularities*, and *Mismanagements* of the Court, and in the *House* to patronize all manner of *Offenders* in *Place* with that Unanimity, that they seem to think every Man's Case their own, and by their *Apprehensions* to *confess* a *Community* of *Guilt*, as well as to *fear* one of *Danger*: These were the Men, who so very lately offer'd to Complement away our Liberties, by Voting for a *Standing Army* in time of *Peace*: But those very Gentlemen, whose Wisdom  
and

nd Courage defeated their pernicious Designs then, have once more exerted themselves, and taken from 'em the Power of doing us any such fatal Mischief hereafter; and thereby laid an Obligation on the Nation that will last for ever, if we have Sense and Courage to maintain our selves in possession of so inestimable a Benefit.

Neither have they provided for the *Safety* of the People, by delivering the *Law*, which is their Security, untainted, to 'em from the Fountain only; they have taken care, as far as in them lies, to continue it to 'em in a pure and uncorrupted Stream, through the main and immediate Channels the *Judges*, by Enacting.

*That after the said Limitation shall take effect, as aforesaid, Judges Commissions be made, Quamdiu se bene gesserint, and their Salaries ascertained and establish'd: But upon the Address of both Houses of Parliament, it may be lawful to Remove 'em.*

The *Judges* are, as it were, the *publick Receptacles* of the *Law*, where it is receiv'd, in order to be more commodiously distributed according to the several Occasions of the State, or People; and are appointed to determine all Contro-

versies of *Right*, whether betwixt the *King* and *Subject*, or between one *Subject* and another, according to the Sense and Meaning of the *Law*, of which they are only the *Interpreters*. This Power of Interpretation, however restrain'd it may seem, gives 'em opportunity every Day of determining concerning the *Lives* and *Estates* of the *Subject*; a power too great to be trusted into the Hands of any Persons who are liable to any manner of *Temptation*, from Fear or Interest, to be Partial and Unjust in their *Judgments*. The Importance of these Officers, and the Danger which every Man in his private Concerns, and all in the Publick incur from 'em, if they shou'd be Corrupt, is a sufficient Caution for us not to suffer their Places to be *Precarious*, or the Profits of 'em, or the perception of those Profits to be render'd uncertain or difficult and uneasy; by which they may become *dependant* on, and be brought under the *Direction* of any Person or Persons whatsoever. The experience we had of the Mischiefs of such a Conduct in some late, as well as long past Reigns, has convinc'd us, that while the *Judges* hold their Commissions only *during Pleasure*, while their Salaries are to be paid out

out of the Exchequer, without any Fund appointed by Law, whence they shall arise, there will be an awe upon them of losing their Places, or being obstructed in the gaining of their Salaries; greater than is consistent with the *Liberty* and *Authority* of the *Bench*; which ought to be under no *Influence* but of *Law* and *Justice*. Besides it may happen in an unjust Reign, That if the *Judges* should be so resolutely upright, as to prefer the Discharge of a Good Conscience in the Execution of their Duty, before the Pleasure of the *Court*, and thereby give offence in any *Judgment*; they may have their *Quietus*, and others be appointed in their rooms, who, before they take their Places, may promise more Conformity to their *Directions*. By these means all *Law* might be render'd ineffectual, and all be resolv'd into the *King's* sole *Will* and *Pleasure*, as they were by those Scandalous Opinions of the *Judges* in *Richard* the *Second's* time, and in the late Reign, which first endanger'd the *Liberties* of the *People*, and all the *Rights* of two of the *Estates* of this *Kingdom*; and at last shook the *Crown* off both those *Princes* Heads, that procur'd 'em.

But

But this *Clause*, by destroying those Fears, and that Dependance which was the Consequence of 'em, has exempted our *Judges* for all futurity from *Temptation*; and by cutting off the Use, put an end to those dangerous Practices, to corrupt those *Reservatories* of *Publick Justice*; and we may hope for a Continuance of the Happiness we now enjoy, of seeing a Set of *Learned* and *Upright Judges* upon the *Bench*; and hearing the Rights of the Subjects defended from thence, as well as from the Bar; a Blessing but lately known to us, and by this Act entail'd upon our Posterity.

Next to the Wisdom of preventing Crimes and Offences, is that of punishing Offenders, whom a Sense of Duty could not restrain; but both are in great measure shewn, by taking away all hopes of Impunity from all that shall become Offenders, and leaving no room for favour, or hopes of Protection, which this Act does by providing,

*That no Pardon under the Great Seal of England, be pleadable to an Impeachment by the Commons in Parliament.*

That the *House of Commons* are the Guardians of the *Rights* and *Liberties* of the *People of Englaad*, is granted on all  
Hands;

Hands; and by the nature of the Trust it self are invest'd with a Power to defend it, and themselves in the discharge of it; *Quia datâ facultate datur jus facultatem tuendi.* Those that confer the Trust, convey along with it whatever Right they have to protect and defend that Trust; otherwise it were no Trust at all, but an Invidious Burthen. For if Men shall be charg'd with the Custody of any thing, and be denied the means of preserving their Charge entire, they can't in Justice be call'd to account for it, if lost, or impair'd.

Whether any Rights or Privileges be so inseparably inherent in every People, or Civil Society, that they cannot by any means, or method whatsoever justly be avoided, or taken away, is a point that has been disputed, perhaps with more Prejudice than Argument. But that every free People has such Rights, and that the People of *England* is a free People, is uncontested, and by that Concession the other point is out of Doors here. These Rights carry along with 'em a Power of Remedy in case of Violation, or Attempt upon 'em, otherwise they are not Rights, but Courtesies, holden at the Pleasure of him, or them, who have the Power of appoint,

appointing, or denying a Remedy. This Power must be exercis'd by the Persons themselves, whose the Rights are, or by Persons delegated by them for that purpose; otherwise their Power, and consequently their Rights are precarious, and in effect none.

The *House of Commons* are the Persons so delegated and appointed by all the *Commons of England*, upon what all their Rights and Powers are devolv'd; and if they can't exercise 'em, the *Commons of England* have no Rights and Powers, are no free People.

As the Rights of the *People* are many and various, so are also the Powers of the *House of Commons*, which must be adequate to the Trust repos'd in 'em; and consequently whatever Power is necessary for the Protection and Defence of those Rights (without invading the Rights of either of the other Estates) is actually, and must be lodg'd in the *House of Commons*; otherwise they can't be able to discharge their Trust, which is to preserve and maintain entire all the Rights of the *Commons of England*.

One of the most considerable of those Powers, whereby they are enabled to defend the Rights entrusted with 'em, is  
that

that of examining, and enquiring into the Conduct of all manner of Persons, so far as it concerns the publick Safety, and the welfare of the whole People, and to bring such as they shall find Delinquents to Judgment, and Punishment; which is impracticable for the People in *propriis personis*.

The Method of doing this, is by *Impeachment in Parliament*; both because 'tis below the Dignity of the House of Commons, to become Prosecutors in an inferior Court, and because the Quality of the Offenders, or the Nature of the Offence, is sometimes above or besides the reach, or Jurisdiction of those Courts. If therefore the regular course of Justice upon *Impeachments*, may be so far obstructed, as that *Judgment* may not be had in due form and manner, or that after *Judgment, Sentence, or the Execution of that Sentence*, may be remitted or suspended, the *Commons* have lost a main Bulwark of their Liberties; and it may be an Encouragement to Persons under the protection of him, or them, that have such power, to insult and invade the Rights of the People with a prospect of Impunity. It is therefore the indispensable Duty of their Representatives to take as effectual care,



care, as they can, to preserve this Power unbroken to the People, or they are guilty of a high Breach of Trust, and Betrayers of the Rights of the *Commons*.

*Impeachment*, as it is the highest and most solemn sort of Prosecution; both from the Quality of the Prosecutors, who are the *House of Commons*, and of the Judges, who are the *House of Lords*; so is it likewise sometimes from the Quality of the Offender, and Offence as concerning the Administration of Affairs in Stations of the highest Dignity, and Matters of the greatest Importance to the Publick: It is therefore absolutely requisite that such Proceedings be manag'd with all the Solemnity, Decorum, and Candour imaginable; as well for the honour of the Parties concern'd, that no blemish may be brought upon the Justice of their Proceedings, as for the Importance of the Cause, wherein either the Publick may run great hazard, or the suppos'd Delinquent suffer inseparable Wrong, if an erroneous Judgment should be given. But then answerable to the Dignity of the Prosecutors, the Majesty of the Court, and the Universality of the Injury, which is done to the whole *Commonalty of England*, if not to the whole *People of England*,

*England*, ought to be the regard had to their Judgment. No interposition whatsoever ought to rescue them from punishment, whom two of the *Sovereign Estates*, and in them all the *People of England*, have adjudged to be worthy of, and condemn'd to it. To dispense with the Execution of the Sentence after Judgment, is to affront the Supream and most August Court and Assembly of this Nation, and to dispose of the Rights of the People without their Consent, who after Conviction, have a Title to Satisfaction, either by Restitution, or Punishment, or both, as the Nature of the Case requires.

The way of Trial by *Impeachment*, is taken from the *Romans*, amongst whom, in the purest times of their Commonwealth, it was in frequent use. This way of bringing Offenders to Judgment, was taken against such, as the ordinary Jurisdiction of the *Prætor*, and other Magistrates, did not reach: either because the Nature of the Crime was such, as was beside their Cognizance, or the Quality, Power, and Authority of the Person, set him above their Enquiry. In such Cases the *Tribunes* of the *People*, the *Quæstors* or the *Ædiles*, or other Publick Magistrate, Impeach'd

Impeach'd 'em to the *People*, who were the *Supream Judges*, from whom there lay *no Appeal*; and exhibited *Articles*.

These *Articles* usually contain'd *Matters of Publick Grievance*; as *Conspiracies against the State*, *Male administration during Office*, *Misapplication of the Publick Treasure*, *Wrong Appropriation of the Forfeited, or Conquer'd Lands*, *Invasion of the Rights and Liberties of the People*, *Pernicious Counsel, &c.* And according to the special Nature of the Crime, they Impeach'd of *Treason* or *Misdemeanour*, and their Judgments extended to *Life*, *Confiscation of Goods and Estate*, or *Fine* only. In short, whatever Disaster, whatever Miscarriages, whatever Grievances the *Romans* felt; the Person, thro' whose Fault these Evils arose, very rarely escap'd Judgment, but by Flight, or Death. And herein seems to have consisted the main Strength of the *Roman Commonwealth*, that all Services done to the Publick, met with Honour and Reward, and all Offences against it, with certain Punishment, which no Plea of Past Services or Merits cou'd avoid. I doubt not, but such Proceedings here at this time, wou'd be call'd Hardships, unjustifiable Severities, and terms on which no Man  
wou'd

would serve the Publick; yet they were the very Foundation of the *Roman* Liberty, Virtue, and Discipline, which produc'd such a wonderful Succession of brave and great Men, and together with which all these things decay'd and expired. Tho' the Persons so Impeach'd, were sometimes the most Illustrious for their Quality, the Merits of their Families, and their own proper Services, in cases of the greatest danger; tho' the Senate thought themselves bound in the strongest Obligations to employ all their Power and Interest in their Favour, and the People confess'd themselves deeply indebted to 'em; yet such was the awe of an accusation on the behalf of the Publick, that they durst not interpose their Authority to stifle any such Complaint, or move for any Arrest of Judgment, otherwise than by Solicitation and Supplication, to prevail with the Accusers to let the Prosecution drop, or with the People for a favourable Sentence; of which I shall offer a few of the most remarkable Instances, both for the Quality and high Deserts of the Persons themselves, or their Families, and the lightness of the Crimes objected to 'em, which will sufficiently evince, what is here laid down.

While the *Commonwealth* was yet in it's Infancy, being but 18 Years old, and the *Tribunate* scarce out of its Cradle, but of three Years; a Dearth arose, occasion'd by the Lands lying fallow the Year before, upon the score of Domestick Difficulties. To remedy this Evil, the *Senate* had purchas'd vast Quantities of Corn with the Publick Money, from the Neighbouring Countries; and it was debated amongst 'em, at what Rates it should be retail'd out to the People. *Cnæus Martius* was a Nobleman of the first Rank; who, besides his Quality, had his own particular Services, which were great and glorious, to value himself upon; the taking of *Corioli* by his particular Valour (whence he was surnam'd *Coriolanus*) and thereby putting an end to a difficult War, was an Action of such lustre, that the Historian tells us, it quite eclips'd the Glory of the *Consul*. Yet this Man in the Pride of his Glory, while his Merits were yet fresh in the Peoples Memories, attempting to oppress the *Commons*, was Impeach'd by the *Tribunes*, for Advising the *Senate* to starve the *Commons* into a Compliance with their Demands, and to deny 'em Corn, till they consented to suppress the Office of *Tribunes of the Commons*. The *Nobility* exerted their utmost Authority, and used

used all their Art in his behalf, united in the Senate, and severally out of it; they threatned and solicited their *Tenants, Clients, and Dependants*, to stop the Prosecution, but all in vain. When they found that impossible, the whole Senate condescended in a Body, to supplicate the People for his Pardon, and prevail'd as little. He was forc'd to fly, and not appearing on the appointed Day, was condemn'd, tho' absent.

*Titus Menenius* was impeach'd by the *Tribunes* for suffering *Créméra*, a Roman Garrison, to be taken without attempting to relieve it, when he was Consul and lay with an Army not far from it. Here the Senate again interpos'd as heartily as before for *Coriolanus*, and thro' the Value the People had for the Memory of his Father *Menenius Agrippa*, succeeded somewhat better. For they prevail'd with the *Tribunes* to moderate the Prosecution, and instead of trying him for Life, as was at first intended, the matter ended in a Fine. However the Grief of this Disgrace cost him his Life.

His Misfortune stood his Successor *Spurius Servilius* in good stead. He was impeach'd by the *Tribunes* for having endanger'd the Army under his Command as Consul, and suffer'd a Repulse with great

great Loss in a rash Attempt to force the Enemies Camp. But the fatal Issue of *Menenius's* Disgrace had made such an Impression upon the People, that they suffer'd *Servilius* to come off.

*Appius Claudius*, a violent Asserter of the Authority of the Nobility against the Tribunes and Commons, was impeach'd by the Tribunes for obstructing the Agrarian Law, and abetting and maintaining those, that had gotten possession of the Publick Lands. He appear'd, and made his Defence, and the further Proceedings being adjourn'd for a short time, before the Trial came on again, he died.

*Cæso Quintius*, the Flower of the Roman Nobility, for extraordinary Endowments both of Body and Mind; who had himself, as had also his Father *Lucius Quintius Cincinnatus*, divers times reliev'd and sav'd the Roman Commonwealth, by his own particular Valour and Conduct, was impeach'd by *Aulus Virginus*, of Capital Crimes. The Charge was, *That he had by Arms and Violence oppos'd and hinder'd the Tribunes from passing a Law to restrain the Power of the Consuls; That he had often by Blows and evil treatment, driven the Tribunes, and People out of the Forum; That he had struck down one Man with a Blow of his Fist, whereof he was*  
since

since Dead. Neither the Authority of the Senate, the numerous and meritorious Services of himself and Family, nor the Prayer of his Fathers then abundantly the most illustrious Person, and most deserving of the *Commonwealth* in all *Rome*, avail'd any thing. The People were deaf to all Entreaties, and Arguments in his Favour. The utmost that cou'd be obtain'd, was to suffer him to be Bail'd upon excessive great Security. This made him withdraw, and live in voluntary Exile. This was so far from mollifying his Judges, that not appearing he was condemn'd, and the Cautionary Sum levied with such cruel Rigour upon his Father, that he was forc'd to sell all his Goods, and go to live like a Banish'd Man, in an obscure Cottage, a Farm of 4 Acres beyond the *Tyber*; And tho' the Evidence against *Cæso*, as to the Man-slaughter, *Marcus Volscius* was afterward convicted of having given false Testimony against him, and Banish'd for it by the *Quæstors*; yet it does not appear, that he was ever suffer'd to return home.

*Titus Romulius*, and *Caius Veturius*, Consuls, having obtain'd a great Victory, and with it as great a Booty, at a Time when the Publick Treasure was very low; instead of dividing the Spoil among the



Soldiers; according to the usual custom, sold all, and put the Money into the Treasury. For this they were both *Impeach'd, Condemn'd, and Fin'd.*

A Dead Body being dug up in the House of *Publius Sextius*, a Noble Man, he was *Impeach'd* by *Cains Julius*, one of the *Decemviri*; and the Historian takes a notice of it very particular, and very much to the Honour of the *Decemvir*. *He did (says he) depart from his Right, and abate of the Authority of his Office, to add something to the liberty of the People, consenting himself to become Prosecutor before them in a Cause where the Law allow'd him to be Judge.*

*Appius Claudius*, and *Spurius Oppius*, two of the *Decemviri*, for continuing to exercise their Authority after the limited term of their Office, were *Impeach'd* by the Tribunes, and cast into Prison, and died there by their own hands. Their Estates were confiscated. The rest of their Colleagues by voluntary Exile avoided Judgment, but their Estates also were confiscated.

*Marcus Claudius*, for laying false claim to the Daughter of *Virginus*, as born his Slave, was *Impeach'd, Tried for Life and Condemn'd.* But the Severity of his Punishment was remitted, and he was *Banish'd.*

*Marcus*

*Marcus Posthumius*, and *Titus Quintius*, Consuls, were Impeach'd, and Tried for having lost a Battle to the *Vejentes*; *Posthumius* was Convicted, and Fin'd, *Quintius* Acquitted.

*Agrippa Menenius*, *Titus Clelius Siculus*, and *Marcus Ebutius Helva*, were made *Triumvirs*, in Order to lead a Colony to *Ardea*. They did so. But in the Distribution of the Lands, having not acted to the Satisfaction of the People of *Rome*, they were Impeach'd. To avoid the force of the Impeachment, they Enroll'd themselves in the Colony, and settl'd there.

But not to be troublesome with too many Instances, of which the *Roman History* is full, I shall close with *Marcus Furius Camillus*. This Man was not only the most Fortunate, but the best Man that ever *Rome* bred, taking him in all Capacities as a Great Soldier, and a Wise Magistrate. He had by his own particular Conduct, gain'd a Great and a Glorious Victory over the *Vejentes*, besides a Prodigious Booty, which by the Laws and Usage of *Rome* should have been distributed to the Army. But *Camillus*, considering the Poverty of his Treasury, and the Exigencies of the Publick, presuming upon his Merits, made bold to stretch his Authority, and dispensing with the Law

on that occasion, sold all the Booty, and put the Money into the Treasury. For this, when he return'd, he was Impeach'd, for having exceeded his Commission against the Law. And tho' he had acted to the best of his Judgment, ( perhaps not Erroneously ) for the good of the Publick, and was not accus'd of having reserv'd any thing to his own private Use, yet he was forc'd to fly his Country, to save his Head, and continued in Exile, till the Calamities of *Rome* made him again absolutely necessary for its preservation.

Such Severities as these, in so corrupt an Age, and so loose an Administration as ours, would, no doubt, be reckon'd, intolerable. Almost every one in Publick Trust, takes as great Liberties, and commits as great Outrages as any of the aforementioned Illustrious Persons; but their Virtues, and Merits, which should plead their excuse, we are at a loss to find. Should we then prosecute their Offences, with the same Rigour, it is to be fear'd, we should soon have but a thin Ministry. Yet to this exactness, in calling to account their great Men, was the Preservation of their Liberty and Constitution, from Domestick Invasions, and Incroachments, mainly owing. It kept their great Men from presuming upon the Merits of their  
Services,

Services, to usurp upon the Rights of their fellow Citizens: And aw'd the Ambitious, from attempting, by gradual Incroachments, any thing against the Liberties of the People. For these Examples, and such as these, gave 'em frequent Convictions, that the People were Jealous of their Rights, and Resolute in the defence of 'em, and that they wou'd suffer no Man, upon any pretext whatsoever, to abuse his Trust, affront the People, dispense with their Rights, or assume more Authority than they had given him, and to entertain at the same time hopes of Impunity.

This Observation wou'd be still better confirm'd, had we room in this place to examine what was the consequence of the after remissness of the same People in this Point. After the Destruction of *Carthage*, the People of *Rome* was so Intoxicated with the Greatness of their Empire, and the Merits of *Scipio Africanus*, that when he was call'd to Account, by the Tribunes, for divers Arbitrary and Illegal Actions by him committed, during the time of his Command, he, instead of answering to the Matters laid to his Charge, presuming upon his own Merits, and the Favour of the People, Harangu'd 'em on his own Services, and the Greatness of their Deliverance, thro' his Means, and after the Harangue,

tongue, without making any direct answer to the Accusation brought against him, rose abruptly, and Invited the People who follow'd him with Acclamations, to go to the *Capitol*, and give thanks to the Gods for the Success of their Arms. This Affront to the *Tribunitial* Authority, and the Indulgence of the *Romans*, tho' to so Great a Man, and in Matters of small Importance, baring the Contempt of the Magistrates, was however of fatal consequence to their Liberty. For tho' *Scipio* himself was a Man of that great Temperance and Moderation, that he made no other ill use of his Popularity and Greatness with the People; yet it taught those that came after him, what advantages might be made of such a Reputation and Interest, to an Ambitious Man. From that time the Authority of the *Tribunes* vanish'd; and with it, the whole Security of the Liberties of the People, who lay open, from that time forward, to the Ambition and Intrigues of their designing Great Men, against whom they had no Protectors. For every succeeding Captain profited of this Example, despis'd Authority, and scorn'd to be call'd to an Account.

This gave Spirit to the Ambition, and Birth to the Designs of *Marius*, *Sylla*, *Craesus*,

*lus, Pompey, and Caesar; whose Intrigues and Quarrels, put the Common-wealth into long and terrible Convulsions; cost her the Lives of all her best and bravest Men, and ended at last in an entire dissolution of the Commonwealth it self, and of all the Civil Rights and Liberties of the People. This destructive consequence had their unwary Indulgence to one Great Man, to whom they had otherwise the highest Obligations possible, in Contempt of their own Authority.*

This may serve as a sufficient Lesson to all free States, That there must be no Balancing of the Services and Offences of Great Men, especially in derogation to their own Authority. For that will beget in 'em such an habitual Expectation and Confidence of Impunity, that they will look upon themselves as Injur'd, whenever their Principals shall dare narrowly to inspect their Conduct. This will naturally make 'em Loose and Wanton in the Administration of publick Affairs, and Inspire Men of an Active Daring Spirit, with Ambition, and a perverse desire of grasping more Power than may be consistent with the Safety and Security of the People who Employ 'em.

I know some Men will be apt to think that I refine too nicely on these Matters;  
and

and having been us'd to hear of other Causes of the Dissolution of the *Roman* Commonwealth, will think I strain this Point too far, in ascribing so much to this Action of *Scipio*. I grant there are other concurrent Causes, which 'tis not to my present purpose to take notice of here. But I dare affirm, That none of 'em had more influence in producing the great Troubles and Revolutions that follow'd in that State, than the Debauching the Bravest and Noblest Spirits among 'em, with Notions of Impunity, and a Contempt of that Authority which was their only Curb. From that time they flung off all Awe and Reverence for those Magistrates, and gave a loose to their Ambition, which kindl'd a Flame which cou'd never be extinguish'd, but with the Commonwealth it self.

Among the *Athenians*, who were also a Brave and Wise People, this Practice of Impeachments was no less frequent, and no less esteem'd than among the *Romans*. They likewise thought it the Security of their Government, from Domestic Incroachments and Usurpations, and the only Check upon their Aspiring Citizens. Their Government, indeed, was not of so strong a Constitution as the *Roman*, and therefore as they knew them-  
selves

selves more Obnoxious to the Attempts and Intrigues of designing Men, so were the People also more prone to Jealousie and Suspicion, which might not always be over well grounded. However this diffident Temper was perhaps the greatest Security of their State, and tho it might sometimes expose 'em to the Censure of Ingratitude, it protected 'em a long time from the danger of a Tyranny, to which the Frame of their Government seem'd to lay 'em almost naked and unfortify'd, but for this Practice and Humour.

I shall confine my self to three or four Instances of their Exercise of this sort of Judicature, which I prefer to the rest, because of a fancy'd Similitude, that some Persons think they have found to some late Cases at Home, tho' I can't yet discover wherein lies the Parallel.

We shall first produce *Themistocles*: He was a Man of singular Parts and Abilities, both of Mind and Body, of great Courage and Sagacity, but withal exceedingly Ambitious. He affected Popularity, and had from a mean Extraction and Fortune, by his many and great Services to the *Greeks* in general, and to the *Athenians* in particular, made himself the most considerable Man for Power and Reputation, not only in *Athens*, but in all *Greece*. But presuming



portunity of reproving it afterwards. It is not improbable that as much as the *Athenians* valu'd good Sayings, the Publick might think they paid too dear for this. However it may be a good Light to us, how some Men among us now come by their great Interest.

*Pericles* shall be the next. He was a Man of a Noble Family, of an Ambitious daring Spirit, a ready Wit, and a good Speaker in Publick. He aim'd early at Preferment and Grandeur; which he pursu'd rather by Intrigue, Address and Management, than by open and fair Services; not but that after he arriv'd at Power, he shew'd himself capable of those also. Knowing the fondness of the *Athenians*, for Pomp and Show, to make himself Popular, he affected an extraordinary Magnificence, and entertain'd the People with Plays, and Musick Prizes, and contrary to his Natural Humour, which was Haughty and Reserv'd, he descended to Court the Common People. After he had attain'd to Power, he return'd again to his Natural Temper, and grew Haughty and Reserv'd, keeping the Commons at a distance, and huffing those, whom he had us'd before to Wheedle and Cajole. He was Lavishly profuse, in expending the Publick Treasure. In the height of his Ministry he appear'd but now and then, managing those  
Points

Points that were least Popular and most Invidious by his Instruments, of which number *Ephialtes*, who broke the Power of the *Areopagites*, ( who were the Senate of *Athens* ) and thereby destroy'd the Constitution, and unbridl'd the Fury and Folly of the Mob, was one. For not being qualify'd himself, to be a Member of that Council, whom he thought to favour more his Rival *Cimon*, whose Honour, Authority, and Real Services, he Envy'd without being able to come up to 'em, he made use of his Power and Interest with the Common People so far, that he Embroil'd and Perplex'd 'em so, thro' the Management of his Creature *Ephialtes*, that he expos'd 'em to the Insults of the Rabble, and effectually defeated all their Power, and by the same Arts procur'd an Ostracism against *Cimon*, the Bravest and most deserving Citizen they had, tho' in his own distress, he was forc'd to procure him to be recall'd, in hopes of making his Peace.

These Ambitious, Underhand, and Extravagant Practices, at length Incens'd the whole City against him: And then he was requir'd to bring in his Accounts, and Impeach'd for Wasting and Squandering the Publick Treasure.

To avoid the force of this Impeach-

K

ment,

ment, not being able to make up his Accounts, he engag'd the *Athenians* in a Ruinous War. However that did not hinder, but that himself was Disgrac'd, Fin'd, and Discharg'd from all places of Trust.

*Phocion* the last I shall mention, was in the beginning, and a great part of his time, a successful General, and an able Minister; but in the latter part of his time he went over to *Philip* of *Macedon*, *Alexander* and *Antipater*, whose Interests he successively defended for some Years, and with as much zeal perswaded the *Athenians* to submit to the *Macedonians*, as he had before fought their Battles against others. And after some Years struggle with *Demosthenes* and others, he prevail'd so far as to get 'em expell'd the City, and a *Macedonian* Garrison and Laws from *Antipater*, to be receiv'd into it, which compleated their Ruine. This rendred him suspected and hated by his fellow Citizens, by whom he was at length sentenc'd to Death, and Executed.

I shall only Remark further, That these four Great Men, last cited, were not without their Faults.

The first lay under shrewd Suspicions, not without some Proof of his being engag'd in a Design of Inslaving his own Country, and all *Greece*, for which he fled from Justice. The

The Second, had sometimes apparently given up the Interests of his Country, but being in the main a good Man, his Correction was but light, and he was soon Restor'd to his former Power, and Dignity.

The Third, for his own Self-Ends, and to bring about his own Ambitious Purposes manifestly broke, and Dissolv'd the Constitution of their Government; and at last to conceal his own Evil Practices and Intrigues, and to avoid Justice, involv'd the State in a Miserable War, which laid the Foundation of their Ruine.

And the last, Engag'd obstinately in an Interest plainly destructive of the Liberty of his Country, and through his own Power and Credit, gave the finishing stroke to it.

Upon the Balance of the whole Account, the *Athenians* will not, perhaps, appear guilty of so much Ingratitude towards these Great Men, whose Actions, when narrowly inspected, will most of 'em be found to have proceeded from other Causes, than a true Love of their Country, and whose hard Fates are plainly owing to their own Immoderate Ambition, which engag'd in Feuds to the destruction of one another, in which whosoever got the better, the

People were generally severe Sufferers.

It is observable upon the whole; that in *Rome* the Contests in the purer times of their Commonwealth, lay betwixt the Bodies of the Nobility and Commonalty in general, and then the Dispute was, Whether the Commons shou'd be Ridden at all, or not. In *Athens* they were betwixt one *Demagogue* and another, or betwixt their *Demagogues*, and their *Tyrants*, and was not so much, whether they shou'd be Ridden at all: For that was usually their Case; But who should Ride 'em. By which the miserable People, were almost perpetually harrass'd with Factions, and Domestick Broils. However they reap'd this Benefit from these Impeachments, that they let their Riders know, That if they did not sit Easie upon 'em, it was in their Power to give 'em a fall at any time, which made their Nobles, and Great Men observant of the Bounds prescribed to 'em, who otherwise perhaps wou'd have acknowledg'd none. And in effect neither of these States retain'd any great shew of Liberty, any longer, than they maintain'd to the People a Power of Punishing Offenders against the Publick of what Quality soever.

Those that Argue against such a Power in the Commonalty of any Nation, usually

ly urge against 'em Inconstancy and Ingratitude: But that is a false Charge. For tho Bodies of Men are not exempt from Passion, Prejudice, or Mistake, yet they are less liable to any of 'em, than a single Person or a small number, and always act upon a Principle of Common Security, and Interest; and tho' they may be sometimes mistaken, or misled into a wrong Judgment, through the Craft, or Malice of Evil Persons; yet are they not so liable to be Seduc'd, or Corrupted, as single Persons, or small Numbers, who may more easily be deceiv'd and act with a more Uniform View of Interest, Malice, or Revenge. Those that make this Objection, usually instance in the Judgments of *Athens* and *Rome*. But were I to produce the History of any one Private Tribunal in the World, for as many Months as these Objectors take in Years, I would not question but to shew Errors and Corruptions ten times as many, and as foul, as are laid to the Charge of those two Commonwealths.

But whether the fore-cited Judgments were just, or not, is nothing to the present Controversie, unless any Person could shew us a sort of a Tribunal, that shou'd be less liable to Mistakes, Corruptions, and Partialities, than that of a whole Nation.

But I might fairly urge further, That the Constitution of our Tribunal, is yet more equal and fair to the Persons accus'd, than any other hitherto Contriv'd in the World. For of the Three Estates, Two of 'em, which make the entire Body of the People, usually enter the Composition of it. And if the whole People may not be trusted to do Justice upon one another, it will be impossible to find any Practicable and Equal Method of doing it. For if it be thought unreasonable to Commit the Life or Fortune of any Member, or part of the People to the Judgment of the whole, it wou'd be absurd to think that the Rights, Liberties and all of the whole, shou'd be permitted to any part of that whole, which part of that whole wou'd thereby become Superior to the whole, which wou'd have no power to defend it self, but through the permission of that part. The Commons therefore of *England*, ought to be very Watchful, that they part not under any pretence whatsoever with the Right of Impeachment, which is their only Legal Security against any Attempts or Invasions upon the Liberties and Properties of the whole People, which they cannot be said to have taken sufficient care of, while any means remain to defeat the Tryal of Persons Impeach'd

peach'd by a House of Commons, or to Ward off the Punishment of Offenders when Convicted. And therefore the Parliament have made a Meritorious step in defence of our Liberties, in the Clause last recited. And those who through Clamour, Menaces, or Artificial Contrivances, endeavour to obstruct their Exercise of that Power, whether through Malice, Partiality, or Corruption, are no less than Invaders, and Betrayers of the Rights, and Liberties of the People of *England*, and have further to Answer for the Guilt of all those, that through Ignorance and their Persuasions and Example, are misled into the like pernicious Practices.

Having thus fenc'd in, and secur'd our Religion and Liberties against Popery and Arbitrary Power, as far as in them lay, for all Ages to come; they proceeded to take into Consideration, the Nomination of a Successor after His Majesty, and Her Royal Highness, and the Issues of their Bodies. And that they might depart as little from the direct Line of Succession, as was consistent with the Security of our Religion and Civil Rights, they settl'd the Reversion of the Crown upon the Princess *Sophia*, Dutchess Dowager of *Hanover*, and the Issue of her Body for e-



ver, who are the nearest of the Royal Line that profess the *Protestant* Religion.

I shall not here enlarge upon the Virtues of that Princess, or of his Electoral Highness her Son, or their Illustrious Family. To do 'em Justice in that Point here, wou'd look like Flattery, because it is foreign to my present design. Security for our Religion and Liberties, and to preserve the Succession unbroken, as far as it cou'd be done consistently with the former, were the Points aim'd at.

The first of 'em is, what the Laws of Nature allow, nay, require us to provide for; and the Practice of all Ages and Nations justifies such a Provision. And if we have made a step out of course, it was no more than unavoidable Necessity forc'd us upon, unless we wou'd become Parricides to our Posterity, and Betrayers of the Rights and Liberties of all succeeding Generations. The Parliament therefore are not only Justifiable, but Commendable for this small Digression from the Immediate course of the Royal Line.

But I shall insist no longer on this Article; because, as I think, there are at present but very few *Protestants* in this Nation, who are not convin'd both of the Necessity and Justice of their Proceedings in this Settlement. As for the other Advantages

vantages which this Nation may expect to reap from those, that are not satisfy'd with what some have already said on that Subject, they may undoubtedly hereafter receive further satisfaction from other Hands, who shall treat more expressly on't ; for which reason, I shall not oblige my self to go out of my way for it.

While the Parliament were thus honourably Employ'd in securing our Constitution from being Overthrown by Attempts from Abroad, they were so continually Alarm'd with Petitions and Complaints of Undue Returns, and Corrupt Elections, that they were justly sensible that we were in no less danger of being Undermin'd at Home. They were rightly apprehensive that such sort of Merchants look'd upon their House only as a place of Traffick, and that they bought only in Order to sell, and that if they did not immediately strike a Bargain for us, it was only because they wanted a Chapman or expected a better Market. They were convinc'd that this Trade had long been driven, but that the Nation was never so openly Stock-Jobb'd as now. They saw, that if they suffer'd these Practices to be continued much longer, no Man wou'd be able to call his Freehold his own, but that all the Free Estates in  
*England,*

*England*, wou'd become the Merchandize of a number of small Boroughs, most of whose Inhabitants had none of their own to dispose of. Some Remedies had heretofore been provided, against this growing Evil, but Experience shew'd 'em ineffectual. And the Defect seem'd to lie in their Lenity and Mildness to such sort of Offenders. But the Law having provided no further Punishment, than Imprisonment by Order of the House, which the constant course and practice of Parliaments has warranted, they contented themselves with the Commitment of those that had given, and those that receiv'd Bribes upon the score of Electing any Member to serve in Parliament, most of whom were in a short time, upon a due sense and acknowledgment of their Fault, and Submission to the House, set at Liberty after a Reproof of their past Transgression, and an Admonition to avoid the like Crime for the future.

Those Corrupt Practices struck at the Root of our Constitution; and while they were unadverted upon, it was in vain to expect, that the true Interest of the Nation, should be much regarded in our Publick Councils. This Evil was grown so familiar, that in divers Corporations, Men were Chosen, whose Faces had ne-

VER

ver been seen there, and their Names scarce heard of, till the Bargain came to be driven. Societies, and Companies, set up Men at the Charge of their Common Stock, and Private Persons, who had any Point to drive at, spare no Expence to procure themselves, or their Creatures, or both to be Elected. It is easie to guess what sort of Representatives these wou'd prove, who came thither only as Solicitors of particular Affairs, and perhaps resolv'd to Sacrifice all the rest to those few Points they aim'd at. This was the ready way, not only to the Subversion of our Constitution, but even to the Enslaving the Nation it self. For by this means, that Power which was intrusted with some Men for the Universal Good and Security of the Nation, was converted to seperate Self-ends, and perhaps employ'd against the Interest of the Publick. For Ambitious Intriguing Men having the Command of so many Votes, wou'd naturally link together, and by Confederacy support those By-interests, against any Opposition they might expect to meet with from those Gentlemen, who sought only the Welfare of the Publick, and what might in their Opinion conduce to it. By this means, Votes became a sort of Monopoly, and some Men cou'd

Truck,

Truck, and Contract for Votes, as regularly as they do for Troops in *Switzerland*.

But these Abuses, it seems, had taken too deep Root, and were too powerfully countenanc'd to be remedied with ease. For no sooner did the Commons begin, by purging their House of these Corruptors, and by examining their Agents, and the Brib'd Electors, to endeavour at a Reformation, but a certain Numerous Party, who have heretofore boasted much of their Purity, fell into Terrible Convulsions, and they, who once thought all Power too little for a House of Commons, now thought the least Exercise of it too much.

No sooner did the Commons begin to exercise that Power which the People had intrusted 'em with, to the Reformation of these Notorious Practices, than some People who had heretofore been great Assertors of the Power and Authority of the House of Commons, made it a Question, Whether they had any at all, or not? They found, perhaps, themselves, and divers Zealots of their Party, Obnoxious to the Enquiry of the Commons, and therefore were for pulling down a Power before which they could not stand Justify'd.

To this purpose all their Engines were employ'd to Batter the Power of the House of Commons, under pretence that they

they were not intrusted with the whole Power of the Commons of *England*. But those that Argue at that rate, ought to shew what that reserv'd Power is, which the Collective Body of the Commons is possess'd of, and has not permitted the exercise of to the Body Representative. The Right of Legislature, which gives a Power of tying up every individual to certain restrain'd Conditions, and of submitting him to Pains and Forfeitures in Case of a Breach of any of those Conditions, is certainly the highest Exercise of Power. Yet this is deliver'd up to 'em, without Reserve, the Power of Impeachment, Raising of Money by Assessment, or otherwise, and in short, all the Powers that a People can be suppos'd to have over themselves, have constantly been exercis'd by their Representatives, with allowance.

Nor, indeed, can it be otherwise. For in a Country so large as this, it is impossible to assemble the Collective Body of the People, so as to know their Sense, or have their Assent or Dissent, to any Proposition whatsoever, otherwise than by Convening their Representatives. Nor did the Nation ever make any formal Declaration of their Sense any other way. For however Tumultuous and Trouble-  
some

some the Times were, tho' Men put themselves into Arms, and stood upon their Guard, yet they never came to any Resolution for themselves, till they had Assembled their Deputies to declare for 'em, whose Judgment they always abode by, 'till a further Opportunity at least of rectifying any Mistakes by another Assembly.

Either therefore the Collective Body of the Commons have no Power or Right to repel Injuries, or Chastise Affronts offer'd to 'em, or that Power is Lodg'd in the House of Commons, their Representatives, since it is impracticable for 'em to Exercise it themselves. If they have no such Right, but must look to another Power not Delegated by them for Redress, they are then no longer Free, but have a Dependance on that Power that can grant or deny 'em that Redress, and consequently are Vassals to that Power. But, this is more than the Adversaries of the late House of Commons pretended to maintain. For while they wou'd beat down the Power of the House, they exalt that of the Commons in general, and endeavour to let loose their Jurisdiction, in order only to make it impracticable.

These large Notions of the Power of the People Collective, and these narrow ones of their Body Representative, have been

been broach'd by the same Persons, whose design was, while they own'd it in Words, to reject it in Effect; and while they Recogniz'd the Right of the People, to destroy the Exercise of it. There is another drift that some Men have in it, which is to deceive us in the Sense of the People and by the help of a Corrupt, but indefatigable Party, to palm upon us, Mercenary Noise and Clamour, for the general Voice and Consent of the People.

But this is plainly the struggle of a few Men, back'd by a Faction, that find their Interest declining in the Nation, and therefore wou'd take away from the House of Commons, the Power of inspecting their Practice, and punishing their Insolences. They wou'd reduce the Power of the House of Commons, lower than that of the meanest Court of Judicature, only that they might have it in their Power to insult it with Safety; and tho' they resolve all Power into the Collective Body of the People, yet they wou'd allow none to the Representative. But if the Collective Body has any Power over its own particular Members, it is undoubtedly in Cases that concern the whole Body. And if they have such a Power, they have undoubtedly a Right of exercising it. This must be done either by  
the



the whole Collective Body, or by Persons deputed or delegated by them for that purpose. By the whole Body it cannot, for they are too numerous to be Assembled, or to have their Suffrages orderly taken, and consequently it must devolve upon their Deputies, or sink. This Power must be very small, and in effect none, if it will not extend to the Punishing of an Affront offer'd to their Authority, a Privilege which the meanest Officer in the State enjoys.

It is absurd to maintain, That the Commons of *England*, are one of the Three Sovereign Estates Independant of either, or both the other two, ( any otherwise than as all together constitute our Government ) and yet that they shou'd have no Right, or Power to Defend and Protect their Priviledges and Representatives, from the Invasions and Insults of their own private Members, or any Persons whatsoever. And it is absur'd to acknowledge, That they have such a Right, and yet to deny 'em the only means of exercising it,

Those that Argue against the Power of the House, generally allow all Power to be Originally in the People; but they urge, That this Power is not committed at large to their Representatives; That  
the

the Punishment of all Offences, whether against the Publick, or Private Persons, is left to the Laws; and that the Laws have not made any Provision of Power for the House of Commons to Commit such Commoners, as are not Members of their House; and that consequently, all such Commitments are an Usurpation upon, and a Violation of the Liberties of the People. But these Gentlemen, when they deny that the Commons have intrusted their Representatives with their whole Power, ought to shew us what Limitations their Principals had set to their Power, and what Branches of it they have reserv'd to themselves, in exclusion to their Representatives. This none of 'em ever undertook to do, and therefore it will be lawful for us to presume, that they have the whole Power, 'till some body shall shew us where our Mistake lies. As for the Redress which the Law affords, it was intended for reparation of Wrongs and Injuries offer'd by one Private Person to another, or by one, or more, to the King, or whole Constitution in general, of which the Laws, the execution whereof was put into the King's Hands, were Judges. But it was never intended that either of the Courts of Parliament shou'd be oblig'd to sue to the King's Courts

L      &      their

their Inferiours, for Reparation of any Injuries or Affronts put upon themselves. Of this, the silence of the Laws in all Cases Parliamentary, is a Demonstrative Argument, that the Houses themselves were the only Proper, and Competent Judges of their own Rights and Privileges, and were Invested with a Power sufficient to Repel and Punish all Injuries and Affronts offer'd to themselves while Sitting. It is not to be imagin'd, that if they needed the Protection of Laws, the whole Body Representative of the People, wou'd have been left unguarded by 'em, while the separate Interest and Concern of every Individual Man, was so carefully fenc'd about. But it was always allow'd, that the Houses had in themselves a Power Declarative of their own Rights and Privileges, and were enabled by their Principals, to protect and defend 'em. And therefore it had been an Injury to the whole People, whose these Rights were, if they had condescended to Circumscribe 'em by Written Laws.

The Injury and Indignity of such a Proceeding, had been threefold.

First, It is inconceivable that any one Parliament cou'd have given so entire a View of the Rights of the People, as not to have Omitted many things, Essential to their well being, and thereby for the  
future

future to have precluded 'em from such Rights, at least as far as any such Act of theirs cou'd have been valid.

Secondly, They must have submitted those Rights which were Originally inherent in, and inseparable from the People to the Arbitration of the two other Estates, whose consent wou'd thereby have become Requisite to their Establishment, a hazard they ought never to be expos'd to, and of which they had no need.

Thirdly, Had they brought their whole Privileges under such an Establishment, they had thereby brought themselves under Vassalage to *Westminster-Hall*, and must have had recourse to an Inferiour Court, subordinate to, and dependant on another of the Estates, to determine whether they were Injur'd or Affronted, and to sue as Private Men for that Relief, which by their Original and Constitution they cou'd give themselves, which were an Injury irreparable, and an Indignity unanswerable to their Principals.

From hence we are furnish'd with a plain Answer to those unthinking, or evil dispos'd Persons, who make such an unreasonable Clamour to have the Rights and Privileges of the House of Commons settl'd, and determin'd, which we have shewn in the first place to be impractica-

ble, and in the next to be a Breach of Trust of the highest Nature in the Representatives, were it feasible. It is evident therefore from the little care which the Law has taken of the Rights and Privileges of the Collective Body of the People in general, that the Exercise and Vindication of those Rights was left wholly to their Representatives, who must therefore be suppos'd to be endu'd with a sufficient Authority to protect 'em, and to Repress, and Correct all Insolencies and Affronts offer'd to 'em. If therefore they had Conniv'd at the Corrupt Practices before mention'd, which tended so manifestly to the Subversion of our Civil Rights and Constitution, they had been Traitors to their Country, which had committed the Exercise and Protection of 'em to their Charge. And no Man that acknowledges their Power, can think they have been Rigorous or Severe in the Execution of it, when they contented themselves to punish Crimes of so high a Nature, and so Pernicious Consequences with a short Imprisonment, a Submission, and a Reprimand.

But if they have Power to punish any underhand secret Practices against the Liberties and Rights of the People, it is past question, that they have the same Authority

Authority in case of open Affront and Contempt, whether it be offer'd by way of Petition, Remonstrance, Libel, Personal Insult, or Menace. This, if those Gentlemen of *Kent* knew, who presented the *Maidstone* Address to the late Parliament, they made a very bold Experiment of the Temper and Courage of that Parliament, when they ventur'd to be the Bearers, and Vouchers of a Petition, conceiv'd in Terms so Insolent and Affronting. And the Commons had been wanting in their Duty to the People, who Representatives they are, if they had tamely put up such an Insult upon their Authority, without shewing their Resentment, and thereby deterring others from following an Example of so dangerous consequence.

But there were at that time a Party of Men, who knew they had offended, and therefore fear'd, and consequently wish'd the Destruction of the Power of the House of Commons. They knew there was no way so ready to effect this, as (if possible) to divide the Sentiments of the People concerning their Proceedings. In order to it, they stir'd up divers Turbulent, and evil designing Men, to set on foot Libels under the Name of Petitions, wherein the Proceedings of the House shou'd be Arraign'd in Sawcy Language,

that if the House should not Resent such Treatment, it might be an Incouragement to a Factious Party, who were beforehand prepared, to follow the Example, and to Libel 'em, by way of Petition, all over *England*: Or if they did exert their Authority on that occasion, they might have an Opportunity of Clamouring against 'em, as if they intended Arbitrarily and Tyranically to take from the Subject the Liberty of Petitioning. The Natural Consequence of such Practices as these, are Obvious, that they tend to inflame and exasperate the People against their Representatives, and by Surprize, and false Representations to make 'em Accessary to the Destruction of their own Rights and Authority. Such Practices as these, deserve the severest Chastizement, but the Commons who have always been very tender of the Subject in the Exercise of their Power, proceeded no further against 'em, than by committing those Persons who appear'd with, and avow'd that Petition, and thereby made themselves the most visible Authors and Abettors of it.

This Lenity of theirs was so far from giving a Check to these Vile Practices, that the Party embolden'd thereby openly Courted, Carefs'd, and Treated the Offenders, as if they had extraordinarily  
signaliz'd

signaliz'd themselves as true *English* Men, and good Patriots. Crowds of Defenders started up, who under pretence of maintaining the Freeholders Right of Petitioning, Assaulted the Power of Parliaments in general, and affronted the particular Members of the Parliament then Sitting. Their pretence was, That all Freeholders have a Right of Petitioning, and that no Indecency, or want of Respect in the Phrase and Expression, was a sufficient Reason, why the Petition shou'd be rejected, or any Punishment inflicted on the Petitioners; which, as they alledge, the House has upon no Account, any Right or Authority to inflict.

The Authority of the House, is, I hope, already sufficiently vindicated, and the Right of Petitioning, admits of such just Limitations and Restrictions, as will render it of little service to these Vindicators. For tho' we admit that the Commoners of *England* have a just Right to Represent to, and lay before the House their Grievances, yet ought they to do it in such decent manner, as not to affront the Authority of the House, and in such Cases only wherein the Petitioners themselves are immediately concern'd, otherwise what ever they may call it, it is not a Petition, but a Remonstrance, and an Im-



pudent assuming the Power of the whole People, who only have a Right to Direct, or Reprehend their Representatives. It is a gross Usurpation upon the Body of their Freeholders, when a Dozen or a Score assemble at a Quarterly Session, or Meeting, shall presume without consulting the rest, to speak the Sense of a whole County, much more of the whole Nation. This is plain from the *Kentish* Instance, the Gentlemen and Freeholders of which County, have sufficiently shew'd their Indignation, in rejecting all those, who took upon 'em to carry a Libellous Petition in their Names, when they offer'd themselves as Candidates for the Parliament now in being.

This Point of Petitioning the Parliament, is very well handl'd by a late Author, who has always been esteem'd Canonical by that Party, and who cannot be deny'd to have been, sufficiently tender of the Rights and Liberties of the People, whose Words I shall therefore give 'em, without alteration.

*The Powers of every County, City, and Borough of England, are regulated by the general Law, to which they have all consented, and by which they are all made Members of one Political Body. This obliges them*

*Sidney's Discourses of Government, c. 3. Sect. 44. p. 451.*

*them to proceed with their Delegates in a Manner different from that which is used in the United Netherlands, or in Switzerland. Amongst these, every Province, City, or Cantón, making a distinct Body, independant from any other, and exercising the Sovereign Power within it self, looks upon the rest as Allies, to whom they are bound only by such Acts as they themselves have made. And when any new thing, not comprehended in them, happens to arise, they Oblige their Delegates to give them an account of it, and retain the Power of determining these Matters within themselves. 'Tis not so among us; every County does not make a distinct Body, having in its self a Sovereign Power, but is a Member of that great Body which comprehends the whole Nation. 'Tis not therefore for Kent, or Suffex, Lewis, or Maidstone, but for the whole Nation, that the Members chosen in those Places are sent to serve in Parliament; and tho' it be fit for them as Friends and Neighbours (so far as may be) to hearken to the Opinions of the Electors for the information of their Judgments, and to the end that what they shall say, may be of more weight, when every one is known not to speak his own thoughts only, but those of a great Number of Men; yet they are not strictly and properly oblig'd to give account of their Actions to any, unless the whole*

whole Body of the Nation, for which they serve, and who are equally concern'd in their Resolutions, could be assembled.

This being impracticable, the only Punishment to which they are subject, if they betray their Trust, is Scorn, Infamy, Hatred, and an Assurance of being rejected, when they shall again seek the same Honour. And tho' this may seem a small matter to those who fear to do Ill, only from a sense of the Pains inflicted; yet it is very Terrible, to Men of Ingenious Spirits, as they are supposed to be, who are accounted fit to be entrusted with so great Powers.

*Ibid.* p. 455. The most certain Testimony that can be given of their unlimited Power is, That they relye upon the Wisdom and Fidelity of their Deputies, so as to lay no Restrictions upon them: They may do what they please, if they take care ne quid detrimenti Respublica accipiat, that the Commonwealth receive no Detriment. This is a Commission fit to be granted by Wise and Good Men, to those they chuse through an Opinion that they are so also, and that they cannot bring any Prejudice upon the Nation, that will not fall upon themselves and their Posterity. This is also fit to be receiv'd by those, who seeking nothing but that which is just in it self, and profitable to their Country, cannot foresee what will be proposed when they are altogether,

*together, much less resolve how to Vote till they hear the Reasons on both sides. The Electors must necessarily be in the same Ignorance; and the Law which should oblige them to give particular Orders to their Knights and Burgeses, in relation to every Vote, would make the Decision of the most important Affairs, to depend upon the Judgment of those who know nothing of the Matters in question; and by that means cast the Nation into the utmost danger, and the most inextricable Confusion.*

Hence it is plain, that the *Kentish* Petitioners were guilty not only of Misbehaviour, and ill Manners to the House, but of a Notorious Violation of the Rights of the People, in assuming to themselves a Power which belong'd only to the whole; and therefore the House cou'd not without breach of Trust, pass over uncorrected such Uturpations upon the whole Commons, and such Affronts upon their Representatives with whom their Authority was lodg'd.

But if those *Kentish* Gentlemen deserv'd a severer Chastisement, than they met with, what shall we say to the unparallel'd Impudence of *Legion*, who tho' perhaps their Cabal consisted not of a Quarter so many as Subscrib'd the *Kentish* Petition, nor those perhaps qualify'd by their Estates to concern themselves with publick

publick Business, yet took upon them to speak the sence of the whole People, to Revile and Reproach the House of Commons, in a most approbrious manner, and proceeded to menace 'em with Violence, unless they comply'd with their Demands, to the Disappointment of all the rest of the Nation. These Men, as in sowing Division, and Discord, in fomenting Sedition and Intestine Broils, they acted the Devil's Part, so they took the Devil's Name also, and call'd themselves *Legion*, a Name well suited to such Diabolical and Mutinous Spirits.

The Proceedings of these Men, are a sufficient Evidence of the patient forbearing Temper of the House of Commons, which had they not known, they durst not have play'd at Leap-Frog with their Authority at that rate. However, the Prudence of that House is never sufficiently to be admir'd, who without regarding these Anonymous Libels which were penn'd, and dispers'd by a few hot Heads, proceeded notwithstanding, soberly and regularly in the Affairs of the Publick, which these were fram'd purposely to disturb. There is no doubt, but had these Men put their Names to their Letter, the House wou'd have exerted themselves with a Courage suitable to the Majesty  
of

of Parliaments, and we might have seen the whole strength of *Legion*, exalted in two or three Pillories.

These Tumultuous disorderly Practices, tho' apparently set on foot to save some Publick Offenders, did not however fright the House from prosecuting their Duty, and calling those Persons to a strict Account, who had either Robb'd, or Cheated the Publick; and therefore they proceeded to Impeach some Great Men, who had made themselves most Notorious, and Obnoxious in that kind.

The *Legion* Stratagem failing of Success, all manner of Arts, and Shifts were try'd by the same Party to embroil 'em on Preliminaries and Punctilio's with the House of Lords, who were unhappily prevail'd with to insist on such Conditions as seem'd to the Commons to make the Prosecution of Impeachments before the Lords, altogether Precarious, if not utterly impracticable. They prevail'd with the Lords to allow the Parties accus'd of the same Crimes, to be Judges in each others respective Cases, and thereby to be assur'd to have a part of the Court by Interest, prepossess'd in their favour. They procur'd 'em likewise to fix a peremptory time for the Tryal of the Lord's Impeach'd, without consulting the  
the

the House of Commons, whether they were ready with their Proofs or not, contrary to former Usage, and the reason it self of such Proceedings.

These things the Commons look'd upon as Obstructions to the regular course of Justice, and fair Correspondence between the two Houses, and therefore insisted, That the Impeach'd Lords shou'd not be admitted to Vote in their own Cases, and that a Committee should be appointed to adjust with a Committee of the House of Commons, the Time and Manner of Proceeding in order to the Tryal of the Lords. This Motion rejected by the Lords, and insisted on by the Commons, produc'd many unseasonable Heats, Angry Messages, and Reflecting Speeches on both sides; one of which from the Lord *Haversham*, gave such Offence to the Commons, that they Complained to the Lords of it, and demanded Satisfaction, refusing to proceed 'till Reparation was made 'em for the Affront offer'd by that Noble Lord. These Difficulties put an end to all good Correspondence between the two Houses, and at length caus'd an abrupt Conclusion to the whole Matter, which ended in Protestations against the Proceedings of each other.

I shall not enter into the Merits of the  
Cause

Cause of those Noble Lords, who no doubt, are able to make their own Defence when they shall be fairly, and regularly call'd to it. But I may be allow'd to examine, whether the Points insisted on by the Commons, were reasonable or not; which, I hope, will not be thought too great a Liberty, since the Proceedings (Printed by Order) on both Sides, seem to carry along with 'em an Appeal to the Private Reason of every disinterest'd Impartial Man.

I have already treated largely of the Nature, and Importance of Impeachments in general, and therefore I shall have no occasion here to enlarge upon the Difference between that, and Process in Inferiour Courts. I shall only take notice, That Justice being uniform and the same, however different the Methods and Forms of several Tribunals may be, the fundamental Rules, by which they ought always to be guided, must be everlastingly the same.

The first thing then that I shall take notice of, is, That it is a standing Rule, That no Man ought to be Judge of that Crime in another, whereof he himself stands accus'd. The reason of this Maxim is so Obvious, That 'tis scarce worth the arguing: For it is apparent to all Mankind



Mankind, that that Man cannot be unbias'd in his Judgment, how Innocent soever he may otherwise be, who lies under the apprehension of wanting in a short time, the same favour which it lies now in his Power to shew, or that he shou'd be strictly Rigerous in his Judgment, while he considers that the Verdict he shall now give, may be of influence hereafter in his own Case. I know that 'tis objected in answer to this, That the Right of Judicature is inherently in the Peers, and that to deny 'em the Exercise of it, were in some measure to inflict the Punishment of guilt before Conviction, and thereby possibly the Innocent may be wrong'd.

This might indeed, be fairly Objected, were the House desir'd to take from 'em the Right of Judicature in all Cases whatsoever. But when they demand no more than a Suspension of the Exercise of it in their own Cases only, it is but what the Rules of Justice require, and all Tribunals in the World allow. In Inferiour Courts, every Man is *Rectus in Curia*, who has not forfeited his Credit, by being Convict of Perjury, or other Crime; for which the Law invalidates his Testimony, and may challenge from the Court an equal regard to what he shall offer as a Witness, unless it be in his own Case.

There

There the Law suspends his Right of Testimony, because 'tis presum'd, that he has too strong a Bias upon him to tell the whole and plain truth, if that shou'd happen to make against him. The Law therefore holds him *suspected*, not from any Proof that he has ever forfeited his Integrity and Veracity, but from the Temptation that he lies under to do it now. So also shou'd four Men be severally indicted for the same, or indeed for different Crimes, the Law will not suffer any of 'em to be Impannell'd on the Jury for the Tryal of the rest. The reason of this, is as obvious as the former; they lie under too strong a Temptation to favour one another. It will avail 'em little to say, That there is no arguing from an Inferiour Court to a Superiour; and that the latter is not bound to the Rules of the former. For the Rules of Justice are eternal and immutable in all Courts, and no Rights or Privileges of any Court, from the highest to the lowest, ought to be pleadable against 'em. But whenever such are pleaded, they are *Ipso facto* void in themselves, and the Pretension to 'em, ought for ever after to be taken away. If indeed we cou'd be convinc'd, that Peers are of a different Stamp from the rest of Mankind, and that

M

they

they have such an inseparable Love and regard for strict Justice, that no consideration of Security, or Interest, cou'd possibly move any one of them to depart in the least from it in favour of himself or Friend in his own Case, then what the Commons insisted on, was unnecessary and unreasonable, otherwise the contrary. But then an Impeachment upon any Score or Pretence whatsoever, ought to be made *Scandalum Magnatum*.

The next Point insisted on by the Commons, was that the Time of Tryal, and the Manner of Proceeding, shou'd be adjusted by a Committee of both Houses. This the Lords absolutely refus'd, alledging, That the Right of Judicature was wholly and solely in them, and that the appointment of Time, and Place, and Circumstance of Tryal, as Branches thereof, appertain to them only; and that the appointing of such a Committee wou'd be a departure from the Rights of their House, which they cou'd not consent to. I shall not here trouble the Reader with Precedents, tho' both sides insisted on them, tho' by the way, one positive Precedent outweighs the want of 'em in a hundred Instances, because it proves, that at such a time the Point in question was granted. But I wave 'em all, because I think no Precedent

cedent or Number of Precedents whatsoever, ought to be of any force against the reason of the Case, which therefore I shall proceed to examine.

The reason why Courts of Judicature are intrusted with the Power of appointing Time and Place for the Tryal of such Causes as are brought before 'em, seems to be principally this, That the Honour and Integrity of the Court, is a better security to the Publick, that Justice shall be fairly and impartially Administer'd, than that of any private Complainant can be, who might, if that Power were lodged in him, be prevail'd upon by Hatred, Revenge, Interest or other private Considerations to delay, or precipitate Matters, so as might best serve his own Purposes. Besides it were highly unreasonable to spend or waste the time of the Court, at the Pleasure, or Discretion of any particular Person. But the Case is quite other between the Lords and Commons, than between the Bench, and a private Plaintiff, in any of the Inferiour Courts. The Honour of a House of Commons, is every whit as Sacred, as that of the House of Lords; and the Nation does with as much Confidence rely on their Candour and Integrity, as on that of the other House. It does not therefore appear to

me, why the Practice shou'd be the same, where the Reasons are so disproportionate. If a House of Commons shall find sufficient Grounds to believe any Person guilty of great Offences against the Publick, and yet not have Evidence enough then ready to amount to a Formal Conviction, they have no doubt, just reason to Impeach that Person, and thereby to shew their Sense of his Misdemeanours; but they are not therefore to be hurried precipitately to a Tryal, without an allowance of time to produce full Evidence, of the measure of which, they only are the Competent Judges, because they only have been let into the Mystery of that Iniquity whereof they complain, and can only discern how long time it may require to bring all the necessary Proofs together. Besides Impeachments from the House of Commons, being Matter of National Concern, no tenderness for particular Persons, how Innocent soever they may be supposed, ought to be put into the Scale against the Publick Peace, and Security. Not to mention the Affront which is put upon the Justice, or Wisdom of the House, to presume before Tryal, that any Persons are Innocent, whom they have found Cause to Accuse in so Solemn a Manner, it is a Wrong to  
the

the Publick, and an Incouragement to Offenders to cramp the Commons so, either in Time, or other Circumstance, as that Matters may not be fairly expos'd in a full and true light. Now how the Lords, who know not from what Quarter the Evidence is to come, shou'd, without consulting the Commons, be proper Judges of the time requisite to produce 'em, is to me altogether inconceivable. In Inferiour Courts where there is no such reason to have regard to the Prosecutor, as in this Case; the Prosecutor, or Plaintiff, may upon any fair Allegation offer'd, be allow'd time, to make good his Proofs. But if this be reasonable in the Case of Private Men, much more is it so in the Case of a whole Nation, where besides the Dignity of the Prosecutors, and the Importance of the Tryal, the Prosecutors themselves are otherwise taken up with a vast Variety of Business of the most Momentous Consequence, and cannot so closely intend any one Matter, as Private Persons may. Add to this, that sometimes the Quality and Power of the Persons Accus'd, is such, as makes the Prosecution difficult, by rendring all things Intricate and Perplex'd. Upon these Reasons, I think the Commons very Justifiable for insisting on a

Committee of both Houses to adjust the Time, and other Circumstances of the Tryal, which they cou'd not depart from, without hazarding the Cause of the Nation. For, tho' I will suppose, as I ought, that the Lords meant nothing more than to do Impartial Justice, yet I think they cou'd not be sure of that, if they did proceed to Tryal, before the Commons gave 'em notice that they were ready. For thereby they might prevent the coming in of Evidence, who upon longer warning might have been had. And we are in Justice to the Commons bound to believe that it was upon sufficient Reasons that they desir'd it might be so. If I cou'd any ways see how such a Committee as the Commons desir'd, might be an Infringement of the Lords Right of Judicature, I cou'd easily rest satisfy'd in the denial of it. But as it did not diminish their full and free Exercise of Judgment, but tended, only to the more orderly and fair proceeding at the Tryal; their refusal of it, seems to be intended only to shew a sort of Sovereignty over the Commons, whose Attendance in such Cases they could Arbitrarily command, when and where they pleas'd. How unreasonable the pretence to, and how impracticable the exercise of such a Power is at  
this

this time, when both the Reasons and the Means of it are ceas'd, it were not hard to shew. But Retrospection is grown Invidious, and I shall wave all further Inquisition into the Matter, tho' I meet with Precedents, and Provocations enow on the other side, to act the contrary.

A third *Remora* was, That at a Conference the Honour and Justice of the House of Commons was thought to be reflected on by a Noble Lord, which being reported to the House, was so far Resented by 'em, that they Complain'd of it to the Lords, refusing to proceed till Satisfaction was given 'em in that Point.

Those that think this a slight matter, may be pleas'd to consider, that the Honour of all the Commons of *England* was concern'd in it, and that their Representatives had not been fit to be entrusted with the Protection of it, had they tamely suffer'd it to be trampled upon, which had been their Case had they put up this Affront.

Norwithstanding these Commotions in both Houses, the Publick Business went forward, and the Parliament being justly sensible of the Danger we might be expos'd to, if the Nation was left unguarded at this Juncture, Voted on the 26th of *February*, *Thirty Thousand Men to be employ'd*



*in the Sea Service for the Summer Guard, and allow'd 'em Four Pounds per Man a Month.* This care of the Parliament was so well seconded by the Seamen, that all the Ships appointed for that Service, soon had their full Compliment.

And that we might not provide for our selves only, and leave our Allies expos'd, upon a Message from the King to acquaint 'em with the Apprehensions of the *States General*, and their Desires of Succour, they immediately Voted, *That they would stand by, and enable His Majesty to support and Maintain the Defensive Alliance Concluded with the States General, on the 3d of March, 1677; by which Treaty we were oblig'd to furnish 'em with a Number of Troops, in Case a War should break out between them and France.* Here we may observe the readiness of that Parliament, to succour and relieve our Allies. For tho' we were not by that Treaty oblig'd to send over any Forces, till they were Actually Attack'd, yet the Parliament Voted, and Order'd 'em to be got ready, and sent over with all convenient Expedition; for which Readiness, His Majesty gave the House of Commons, his particular Thanks. After this, it is matter of just Surprize to hear some Persons tax 'em with backwardness in that  
Affair,

Affair, and so Impudently give the Lye to the King's Speech on that Occasion, especially when we consider that the *Dutch* have now already had those Forces the best part of a Year before our Engagement commences, no Attack having yet been actually made upon 'em, nor can we guess when there may.

While the Parliament were examining former Treaties, and Advising New ones to be made with the several Princes and States of *Europe*, the *Partition Treaty* fell under their Consideration and Censure, and was Unanimously Condemn'd by both Houses, as the Occasion of the King of *Spain's* Will, and the Interruption of the Peace of *Europe*, which was likely to follow. They cou'd not thereupon but resent the Injury that was offer'd to His Majesty, by those that advis'd that *Treaty*, and saw with Indignation, that after the many Hazards His Majesty had run, and the Fatigues he had sustain'd, and the great expense of Treasure, that almost all *Europe*, especially *England*, had been at, we were at last by one indiscreet Bargain chous'd of the fruits of all our Blood and Treasure, and reduc'd almost to a Moral certainty of making War upon more unequal Terms than we began before, without knowing by whose Contrivance

Contrivance we were thus Over-reach'd, Both Houses did therefore in their humble Addresses to His Majesty, severally exprefs their Sense and Abhorrence of that Treaty, which they fear'd might prove fatal to the Peace and Liberties of *Europe*, and which they found to have been Communicated only to, and transacted by a private *Cabal*, of a few of the Ministry then in being. This provok'd 'em the more, because it was concluded while a Parliament was sitting, and none of those Ministers to whom it was Communicated, had advis'd, that the Parliament might be Consulted upon it. The several Minsters to whom it was Communicated, have deny'd that they did either Advise, or Consent to the making of that Treaty; and therefore I shall not pretend to lay it at their Door, but leave time to make a more ample Discovery of that Intrigue, tho' to the House of Commons, the Matter appear'd otherwise than they alledg'd, as by their Second Address on that Occasion, is set forth.

But since divers Persons have taken the liberty to justify that Treaty, and the Advantages of it, and to Tax the Commons both in Print and otherwise, for Addressing to have those Lords remov'd from His Majesty's Presence and Councils, I may  
be

be allow'd in answer to 'em, to maintain the Justice of their Conduct in that point, and to observe the pernicious Consequences of that *Fatal Treaty*, as the Lords in their Address are pleas'd to stile it. In order to which, I shall make it appear.

First, That the late King of *Spain's* Will, was the Product of the *Partition Treaty*.

Secondly, That if *France* had abode by the *Treaty of Partition*, the Ballance of *Europe*, had been as effectually broken, as it is now.

Thirdly, That whoever Advis'd the King to enter into that *Treaty*, they ought not to be intrinsec with the Administration of the Affairs of *England*.

It was visible to all discerning Men, that when the *Treaty of Ryswick* was set on foot, the Pride of *France* was exceedingly humbl'd and a very considerable Check was given to her Monarch's Ambition. The giving up of so many large Countries and strong Places, was a demonstrative Argument that he despar'd of Inlarging his Dominions, or even of preserving what he had gotten entire by force of Arms, while the Confederacy then in being against him, remain'd unbroken; *Lorrain, Orange, Roussillon, &c.* some of 'em already incorporated with the  
Body

Body of *France*, were Morfels too delicious to be parted with upon any Consideration unless Necessity. But the Lyon's Skin not prevailing, he put on the Foxe's and resolv'd to attempt that by *Treaty*, which by force of Arms he saw would miscarry. The *Spanish* Succession was the Quarry he had in view, and the State of that King's Health gave him just grounds to believe that the Critical time to bring about his purposes, was at hand. The different Terms on which the Emperor and he stood, in the good Graces of *Spain*, gave him little reason to hope for any thing from the Affection of the Prince, or States of that Monarchy. And the unsuccessful posture of the War at that time, gave him as little prospect of Seising on the Dominions of that King by Violence. For the *Spaniards*, with the help of their Confederates, wou'd have been as able to have defended their Country against his Invasion, if their King had Dy'd during the War, as they were during his Life time. The known weakness of that Prince, will not suffer us to suppose that his Presence added much Spirit, Vigour, or Wisdom to the *Spanish* Councils. And it may, perhaps, be no Injustice to the Ashes of that Prince, to suppose that in such a Case the *Regency* of the *Queen* 'till the

the *Arch-Duke* had arriv'd, might for the time have produc'd e'ry whit as great things as the Government of the King. If then the Death of that King, in the time of the War, wou'd have been no Accession of Strength to *France*, nor Diminution to *Spain*. *France* had no ground to think her self able to force a King upon the *Spaniards*, contrary to their own liking, especially when the Emperor, and most of the Princes and States of the Empire, who had hitherto been Neuters, or little more, shou'd be oblig'd by Interest, to fall with their whole weight into the opposite Scale. For if she had not been able in so long and so Vigorous a War, to make any considerable Impression upon *Spain*, she was less likely to do it, when *Spain* was more strongly Confederated and Supported.

These Considerations oblig'd the King of *France* to alter his Measures, and to think no Price too dear to purchase the Treaties of *Ryswick* and *Partition*. The Emperor had been engag'd in a long War against *France*, purely in defence of *Spain*. This good Service, together with the Natural Affection of the *Spaniards*, to the *House of Austria*, had procur'd a Will in favour of the *Arch Duke*, in opposition to the *House of Bourbon*. The Aim of *France*,  
was

of another Kingdom. These Arguments, and perhaps, some Gold ( of which the *French* are no Niggards, when a good Bargain is to be driven ) to Cardinal *Portocarero*, and other Principal Grandees, quite ruin'd the *Austrian* Interest, and procur'd a New Will in favour of the Duke of *Anjou*.

Those that tell us, that this *Treaty* was subsequent to that Will, or at least to the reasonable Apprehensions of it, and was design'd merely to Obviate it, know they prevaricate, and intend only to deceive the unthinking part of the People; for with the rest it can't pass. It is now no Secret that there was on foot a *Treaty* of *Partition*, in favour of the Prince Electoral of *Bavaria*, presently after the Peace of *Ryswick*, when no Will in favour of *France* was suspected; but on the contrary, it was well known, there was one then in being, by which the *Arch Duke* was Constituted and Appointed Heir and Successor to all the *Spanish* Dominions. And perhaps, the foresight of such a *Treaty*, was none of the least Motives to *France*, to conclude a Peace upon any supportable Terms. For *France* was very sensible that if the King of *Spain* Dy'd with his Sword in his hand, it would be exceeding difficult, if not impossible, for a Prince of  
*France*

*France* to succeed to his whole Dominions; and therefore it was necessary, by a Peace, to disarm the Confederates, and if possible, to break the Confederacy itself, which was effected by the *Treaty of Partition*.

Those that tell us, That the Will was the Product of *French* Gold, and fine Promises, come somewhat nearer the Truth; but they don't tell the whole Truth. For tho' we grant, that Bribes, and large Promises, might prevail on *Portocarero*, and others of the *Grandeas*, to persuade their King to make that *French* Will; yet it was the *Treaty of Partition*, that furnish'd 'em with the Arguments that mov'd that Prince to Comply, contrary to his known Inclinations. For wanting the Cunning to penetrate into the Depths of their Intrigues, he suffer'd himself first to be surpriz'd by, and then Surrender'd to their Plausible Arguments, which he wanted Capacity to answer, and Courage to flight. The specious Pretences of Transmitting his Dominions independant and entire to his next Successor, and the easing his Subjects of the Apprehensions of a Terrible Destructive War in the Bowels of their own Country, and from the Slavery which he fear'd, was to follow at the Heels of it, must needs have a mighty  
N influence



influence on a Short-sighted Prince, who saw thro' false Opticks. Add to these, that a mixture of Relentment, to see his Dominions dispos'd of, and shared before his Death, by those whom he thought had no Right to do it, might contribute not a little, to make him desire to defeat their Designs, and consequently to consent to the means of doing it, which were propos'd to him as the only certain ones. It is plain therefore, that tho' *Portocarrero*, and the *Grandeas* of his Cabal might be gain'd to the *French* Interest, by Gold and great Expectations, the King himself, who knew not that, was prevail'd upon by the *Treaty of Partition*, to go into their Measures and Counsels.

But to proceed to our Second Head. Let us for once suppose it reasonable to trust to the Solemn Engagements of *France*: Let us imagine the *Treaty* to be strictly observ'd on both sides, and we shall see, that however the Balance of *Europe* had been as effectually broken; and that the *Arch Duke* must have been little more than a King of Clouts. The Possession of *Naples* and *Sicily*, and all the *Spanish* Dependencies on the Coast of *Tuscany*, with the adjacent Islands, *Santo Stefano*, *Porto Hercole*, *Orbitello*, *Tetamone*, *Porto Longone*, *Piombino*, *Final*, with the  
Marquis

Marquisate belonging to it, *Fantabria*, *St. Sebastian*, with the whole Province of *Guipuscoa*, &c. gave 'em such a Number of good Harbours in the *Mediterranean*, that the advantages of 'em improv'd with their usual Application and Judgment, must have made 'em in a short time absolute Masters of the *Mediterranean*, and in consequence of that, of the *Ocean* also. How far this wou'd have gone towards that Universal Monarchy, which *France* so passionately longs for, the meanest Capacity may Judge. By this means, the *Pope*, the *Tuscan*, the *Genoese*, and the *Spaniard*, had been directly lock'd up, nor a Ship belonging to any of 'em, durst have peep'd out of Harbour, without a *French* Pass. The *Spanish Flota* wou'd constantly and inevitably have been at their Mercy; for all their Commerce with their *West-Indies*, must necessarily have ceas'd, and the King of *Spain* how much soever he might have Stomach'd it inwardly, must have lain as still as King *Log*, while the *French* play'd at Leap-Frog over him. The least shew of Resentment, would have furnish'd him with a pretence to seize on the Treasures of the *West-Indies*, and like a kind Neighbour to have Convoy'd the *Galleons* into their own Harbours.

It is frequently objected, That if the  
N 2 Share

Share allow'd *France* by the *Partition Treaty*, would have enabl'd her to have done this, much more must the Addition of *Spain*, *Flanders*, and the *West-Indies* do it, by adding such an extent of Territory, and so many Ports more, of all which he is quietly possess'd by his Acceptance of the Will. But tho' it may seem Paradoxical to maintain the contrary, the Paradox however, is not so extravagant, as true: For had the *French* contented themselves with the Share by us allotted 'em, (which was great enough in a few Years, to have answer'd all their Purposes) they must have been suffer'd to have taken quiet possession of it, or We, and the *Dutch*, had been oblig'd to have assisted 'em against all Opposers. Such a Conjunction wou'd have been irresistible to all the rest of *Europe*. If then they had rested themselves for a while in appearance satisfy'd, and turn'd themselves with all their Application to the Improvement of their Ports, and Navigation, the augmentation of their Fleets, and Naval Stores, to as great a Strength as their Ports was capable of receiving and harbouring, they might in a few Years have arriv'd at a Naval Power that might have been terrible to the whole World, which seems to be the only thing they want, to procure

procure the Dominion they so much cover. Nor cou'd we, how apprehensive soever we might have been of the fatal consequence of those Preparations, have prevented 'em. For our Hands being bound by our *Treaty*, we cou'd have no just ground of Quarrel to *France*, for making the best use that she peaceably cou'd, of what we our selves had given her. We must therefore have suspended our Indignation, 'till by some Warrantable Provocation, *France* had dissolv'd the Tie upon us and the *Dutch*, had given us liberty to provide for own Security, which might not have been 'till it was too late.

But by the Acceptance of the Will, contrary to the *Treaty*, she has Cancell'd the Obligation that lay upon us, and given us, and all the rest of *Europe*, timely notice to provide for our selves, and reduce her to such Bounds, as may be consistent with the Safety of her Neighbours, before she can make any real advantage of Strength from her new Acquisitions. For as the Case now stands, *Flanders*, *Italy*, and even *Spain*, and the *West-Indies* themselves, are no more than mighty Incumbrances upon *France*, who alone must take the whole defence of 'em all upon her self. This must drain her of such Prodigious Numbers, and Quanti-

ties of Men, Shipping, and Treasure, that if a War be joyntly, and vigorously prosecuted by the Potentates of *Europe*, as their Interest directs, she seems to be in danger of being totally exhausted. In this therefore, the acceptance of the Will, is more favourable to us, than the *Treaty of Partition*, by which we were in danger of losing all, and cou'd possibly get nothing. But in the present Case, the *West-Indies*, now in the Possession of an Enemy, present us with an Inviting Prospect of ample Recompence Price, and Reward for the Trouble and Expence we shall be at to defend our own Liberty, and the Liberty of *Europe* in general. But if *France* had adher'd to the *Partition Treaty*, that Prospect had then Vanish'd, and we cou'd have expected nothing but dry Blows, from a Rupture with *France*. For then the *West-Indies* wou'd have belong'd to the *Arch Duke*, and we had had no pretence to enterprize any thing against 'em, because they belong'd to a Prince in Amity with us, and so we had been cut off from our fairest View, those Countries only affording us any Matter or Hopes of Reprisal. And whereas now what we give towards the support of a War, seems to be but a kind of Venture to Sea, which may return again with great Profit, which makes

makes us contribute with Alacrity towards the Charges of such a War ; In the other Case, we shou'd pay Taxes with heavy Hearts, as knowing what was given to be sunk for ever, and that we resembl'd a Trading Vessel in a Storm, that was forc'd to fling her Goods Overboard to compound for her Carcase.

Another difficulty that *France* now lies under, by the Acceptation of the Will, is that she must be oblig'd to maintain divers considerable Armies, in Places very far distant from one another, if the Confederates so please to distract 'em. There must be one in *Flanders*, another in *Italy*, a third on the *Rhine*, a fourth in *Spain*, and perhaps a fifth in the *West-Indies*, if they will defend those Parts from those Troops, which may be sent thither ; and from the Swarms of *Buccaneers* and *Pirates* ; who, upon promise of Pardon, and hopes to share the Plunder of that Rich Country, will undoubtedly, all of 'em, to a Man, join the Confederates. To these many, and Numerous Armies, the *French* Fleet must be proportionable, that they may be able to protect, and defend their Coasts, and Merchants against ours, and the *Dutch* Fleets ; and the Shoals of Privateers, that upon promise of Free Prize, will be sent out here, and in *Holland* ;

*land*; otherwise their distant Armies will be in danger' of Perishing, particularly that of *America*, for want of Recruits, Provisions, and all Necessaries, which can only be furnish'd 'em by Sea. All these Considerations put together, may, perhaps, induce us to believe, that *France* is really much the weaker for the Acceptation of this Will, and having so many large and weak Dominions to defend; which must necessarily, if they be Attack'd in time, exhaust, and impoverish her exceedingly. For as on the contrary, the *Partition* Share, wou'd have been a great accession of real Strength, which no Body durst have Quarrell'd with her about, while we and the *Dutch* were oblig'd to back her in the defence of it.

A Man that weighs these things Seriously, and Impartially, must needs be surpriz'd at our Conduct, and wonder what induc'd us to give so many fair Kingdoms, Provinces, and Ports to *France*, without the least Article in our own favour, or any Caution whatsoever, to bind *France* to her good Behaviour, and the true Observance of the *Treaty*. It was plain, that even so, she might, in a short time, take from us, and all the World, the whole Trade of the *Mediterranean*, the *Streights*, the *Levant*, and both the  
*Indies*.

*Indies.* This must necessarily have been the speedy Ruine both of us, and the *Dutch*, whose Wealth and Strength depend mainly on Trade. Wise Men have wonder'd, how we cou'd content to such Terms, as must necessarily make the Prosecution of Trade, the true Spring of all our Wealth, precarious, and perhaps in a short time utterly impracticable. They have wonder'd what sort of Ministers we had at that time, who cou'd so easily give away in the *Cabinet*, what at a Prodigious Expence we had so nobly defended in the Field. It made some reflect on an Emblem that was contriv'd for us, about the time of that *Treaty*, in a Neighbouring Country, wherein the *English* Lyons were painted with Calves Heads. How our Ministers will get clear of this Emblem, I know not: But I cou'd be content to excuse 'em, upon any good reason, tho', perhaps, the true one is never to be known.

It will be but a slender defence of those that advis'd, or knowingly suffer'd the King to enter into this *Treaty* to alledge, That they did it to bind *France* by a Solemn Ingagement from the Acceptance of the Will, in case one were made in her favour, as it has since happen'd. For the Treachery of *France*, and her Violation of Oaths, and Treaties, whenever it suted her



Purpose, has been their constant Theme, and perhaps their greatest, if not only Merit, and Service to their Country. They ought therefore to have Represented to His Majesty with all Earnestness, how little they expected, that *France* wou'd keep Faith, and good Meaning with him, especially since no Security, or Expedient whatsoever, was propos'd; whereby she might be oblig'd to it. They ought to have urg'd to him, the danger of tying up his own Hands, and the Hands of the *States General*, by a Treaty which wou'd infallibly leave *France* at Liberty. If they plead, That out of a foresight of this Will, they compounded with *France* for a part, to keep her out of the Possession of the whole, they must prove two things:

First, That *France* was grown less Ambitious of Universal Monarchy, and less discerning of her Interests than heretofore. And,

Secondly, That she was grown more Honest, and more observant of her Faith given.

For otherwise, they will lie under a scurvy Dilemma, of betraying the Interests of *Europe*, either through Ignorance, or Corruption, both of 'em such Blemishes as unqualifie 'em for Statesmen. For by this Treaty, they put into the  
Hands

Hands of *France*, so much of the *Spanish* Dominions, as inabl'd her to take *Spain* whenever she pleas'd.

I am confident that no Impartial Man will think that such Ministers as could through Ignorance, Inadvertency, or any other worse fault, Advise, or even not dissuade the Conclusion of a *Treaty*, whose Consequences might have prov'd so fatal to *England*, and to all the rest of *Europe*, ought to be suffer'd to have any hand in the Administration of the Affairs of the Publick for the future. It would be but a lame excuse, to say that the Matters offer'd to their Consideration, were of so high Importance, as they durst not presume to advise the King in 'em, but left 'em wholly to his Wisdom, on which they might rely. For what is the Business of a Privy Councillor, but to advise the King in all difficult and important Cases, to ease him of part of the Cares and Fatigues of a Crown? If a King must in all Cases of difficulty rely on his own Wisdom alone, to what end are Councillors and great Ministers entertain'd about him at such an extraordinary Charge to the Publick? But Councillors, and great Officers, are rais'd to those Posts of Honour and Profit, on presumption of their great Abilities, and Faithfulness to Advise the King for  
the

the good of their Country, and in all his most weighty and Arduous Affairs, which if they either will not, or cannot do, they ought to make room for Men of more Wisdom, Courage, and Integrity. The Concerns of a Nation, especially in difficult times, are too heavy for any single Man's Shoulders; and if those, who are appointed for his Relief and Assistance, be Unfit for, Remiss, or Unfaithful in their Service, it is impossible but he must make many and dangerous Trips. If the ordinary Ministers of State think any matter of too great consequence and difficulty for them to Undertake or Advise, least the Nation shou'd run any extream hazard by their Mistakes, it is then their Duty to desire the King to Consult his Parliament, if any be sitting at that time, or can be call'd together before a necessity of Determination. No other Conduct can excuse 'em from a Neglect, or Breach of their Trust. If they Advise, they are answerable with their Heads for the Damage the Nation may suffer by their Advice; if they do not Advise, they ought to resign their Places, and make room for those that shall fill 'em better for the Service of the Nation. But if they will neither do the Duty of their Places themselves, that is, Advise the King freely in  
all

all Matters of extreme Concern, nor will make way for those who would do either, or both, they ought to be remov'd from about the King, as useless and dangerous Persons. And since no Body can with so much Authority represent to His Majesty the danger of having such Persons about him, as will neither do the Duty of their Stations themselves, nor suffer others to do it, but while they Arrogate abundance to themselves, reject all the Miscarriages upon the King himself, the Representatives of the People have reason, both for the King's, and the Nation's sake, to warn his Majesty of the danger, and to desire that they may be remov'd from his Presence and Councils.

Among other Grievances that fell under the Consideration of the Parliament, came the Pyracies of Captain *Kidd*; the Reports of which had for some time before alarm'd the whole Nation. It appear'd strange to every Body, that *Kidd* should have so much influence upon so many Persons then at the Helm, as that the King's Ship, and Commission, shou'd be granted to an Old *Buccaneer*, for Ends and Purposes so like his former Trade, that it was not improbable for him, as nice a *Casuis*t as he was, to make many occasional Mistakes and Transitions, from  
his

his New Commission to his Old Practice. Another thing remarkable, and which was taken very great notice of in the *House*, was the Address of Captain *Kidd* in the choice of those to whom he offer'd Shares of his Purchases; for it seem'd as if he had precluded all means of Complaint against him. But, perhaps the Captain did not know that it has never been the Practice of any of our Offices, to stifle any Complaint, or Brow-beat any Complainants that came before 'em, even tho' against themselves, or their Interests. For if any Persons made Complaint in *New-England*, where *Kidd's* Prizes were to be carry'd in, the Lord B---- was Governour, who be sure wou'd not be partial in his own Case, that wou'd reflect too much upon his Honour as a Sharer. If to the Admiralty in *England*, there the Lord ---- was first Lord Commissioner, and ready to do him the same Justice, with the same Reason. If he had recourse to Chancery, there was my Lord ----, who had equal Obligation upon him to favour his Cause. If to the Secretaries Office, the ---- was there, whose Quality and Interest in this particular Matter, enabl'd, and dispos'd him, not to be behind-hand with any of the rest, on such a good occasion. And if the Party agriev'd, had apply'd himself

himself to the Council-Board, there almost all these Noble Persons were ready to back and Countenance his Complaint, and to give him all Protection and Assistance. But as Unlucky Men generally apply wrong, so it far'd with the Complainers against *Kidd*. The *House of Commons* were no Sharers, and therefore cou'd make no Restitution of what they never receiv'd, or were to receive. They were not yet let deep enough into the Secret, to know the true bottom, and the Solicitor of the Admiralty Mr. *W-----*, by letting *Henry Bolton* go without sufficient Bail, had taken care to let 'em know as little as he could of it. However the Condescension of so many Noble Persons to Share with a Man of Captain *Kidd's* Character, and their private manner of Articling with him, the Conduct of *Kidd* in the choice of Persons of the greatest Dignity and Power about the Court, and of the surest Influence in the several Offices, and Ports that he might have Business in, the Manning of *Kidd* out of some of the King's Ships, all argue a Vigilant Care of the Publick, not only in our then Ministry, but even in the Captain himself, which cou'd carry him so far as the *Indies* purely to suppress Piracy. For tho' the Captain merely through Humane Infirmity,

mity, should be tempted afresh to commit Sin, the Sweetness whereof he had formerly tasted, contrary to the Purity of his present Intentions: Yet how shou'd any of the Noble Persons who imploy'd him, imagine that he shou'd prove so frail? How could they divine, that after they had Condescended to Treat, and League with him in so close a manner, that he wou'd betray his Trust, and act any thing afterwards that was Criminal, which might reflect upon their Honours? Cou'd they suspect, that contenting themselves with the first Hundred Thousand Pounds he shou'd take, a Man that was to have the Ships and all Prizes to himself afterwards, shou'd prove such a Villain, as to take any thing that he had not Instructions for? Must not he needs apprehend that their Treating and Contracting with him in so Covert a way, was only that he might not use their great Names to justify or excuse any illegal act he might commit? These things have occasioned many and various Speculations, and Reflections, according to the different Views and Relishes Men had of 'em.

The *House of Commons* were offended at the Negligence of Mr. W——, Solicitor to the Admiralty, in taking insufficient Bail for *Henry Bolton*, Captain *Kidd's*

*Kidd's* immediate Agent and Instrument. It gave 'em great dissatisfaction to see that the King's Authority, Ships, Subjects, and Stores, were employ'd to the Scandal, and Dishonour of the Nation. They were concern'd to see so many great Officers Clubb'd to so low a thing ; and cou'd not doubt, but that they had farther Inducements than they were willing to make known. However the *House of Commons* found that both Men, and Stores were taken from aboard His Majesty's other Ships, to furnish Captain *Kidd* to proceed on his laudable Voyage. Had there been nothing Clandestine in the Proceedings with Captain *Kidd* ; had no great Men contracted for any advantage to themselves ; had his Instructions and Commission been such as became the Commander of a King's Ship, and the Advantages propos'd to him, no more than were necessary to encourage an Honest Brave Man ; Captain *Kidd*, perhaps, had lain under less Temptation of playing the Pirate, tho' it must be confess'd, that the taking of Pirates, whether *Buccaneers*, or others, is but dry Business, unless they catch 'em by extraordinary good Fortune, with a Prize fresh in their Mouths. For tho' those Fellows will venture and endure much when their Pockets are empty, yet  
the



the first good Booty puts 'em into the next safe Harbour, till they are in the same Condition they went out in before; that is, that they have neither Money nor Credit: It is not therefore convenient that Men of that sort should have a glimpse of Protection from hence; and our Parliament cou'd not be too careful to enquire to the bottom of Villanies, which reflected so much upon the Honour of the Nation, and were like to have cut off from us one great Branch of our Trade, by the Offence given to the *Mogul*, and *Persian*. However, *Kidd* has given Satisfaction in his own Person, and the *House of Commons* have made it appear, That it is not their fault if the rest of the Matter was no further enquir'd into.

The great Mismanagements, and Misapplications of the Publick Money, which have for several Years been observ'd, have produc'd successively several Annual Commissions by Act of Parliament, for *Taking, Examining, and Stating the Publick Accounts of the Kingdom, &c.* What was the success of these Commissions, it is not much to our present Purpose to examine, because none of 'em had being by the Authority of that Parliament whereof we treat. But since it has been publickly objected, That by these Commissions  
little

little was done towards the adjusting the Accounts of the Nation; and Inferences have been thence drawn by many, that such Commissions are of little or no use, it is certainly the Duty of our Representatives, to make it their earnest endeavour to find out proper Methods to make such a Commission useful. It will scarce be pretended by any Man, That such an adjustment of Accounts is in its own Nature impracticable. If then the former Commissions had not altogether the desired Success, the fault must lie either in the Scheme laid down, as probable it might be for the first Year or two, when the Field of Business was vastly wide, and requir'd a long acquaintance to dispose things into a proper Method of Adjustment; Or in the Commissioners themselves, if they wanted either Skill, Application, or Integrity sufficient for the Business they were employ'd about. Now all these Wants have been charg'd upon some of 'em, but whether with any Justice, or not, is a point I am not yet satisfy'd in: But there were two other Impediments, of which I think I may speak with more certainty, either of which was enough to hinder the execution of that Commission with any tolerable ease or exactness.

The first of these was, that divers great  
O 2 Men,

Men, who had mighty Accounts to pass before these Commissioners, and perhaps very little Stomach to do it, had for several Years successive of these Commissions, such a Power and Influence in the House of Commons, as they were able to cramp the Commissioners in their Powers, to discountenance 'em in their Reports, and even to Banter 'em in the execution of their Trust. How openly this was practis'd, is notorious to all that were then Members of the House; and how much Men must needs be discourag'd in the execution of so difficult a Task, the performance of which was to be laid before Judges so possess'd, I leave any one to guess. The influence of these Men, perhaps produc'd another difficulty, which was a flaw in the Commission it self: The Commissioners were not empower'd sufficiently to enquire proof of suspected Vouchers, they cou'd not Commit for Contempt of their Authority, and consequently were expos'd to the hazard of being abus'd by false Vouchers, I might say the certainty, for I want not sufficient Proof of such things in some Offices. These were difficulties, almost if not absolutely insuperable. And therefore the end of the Commission might easily be frustrated in great measure, although the Commissioners did  
acquir

acquit themselves of their Trust, like Men of Ability and Integrity, as most of 'em were well known to be.

However, the last Parliament had taken care to remove most of these Obstructions, by providing a Bill with larger Powers, appointing Commissioners of known Worth and Integrity, who were willing to have taken that trouble upon 'em, without Recompence to themselves, or Charge to the Nation, and having a *House* dispos'd to hear, and enquire strictly into these Matters, there was great reason to expect a good issue. But perhaps that very expectation was what defeated the Bill. Some of those very Persons who had heretofore born such a sway in the *House* of *Commons*, are now grown powerful in another place, and Accounts were still as terrible as ever. It was not therefore their Interest to suffer such a Bill to pass, for the three very Reasons before mention'd.

First, Because a Commission with such Powers was as hard to be resisted, as on the other side some Mens Accounts were to be made up; and consequently such an Inquiry as the Commissioners were thereby empower'd to make, might have ruin'd the Credit, and perhaps the Fortunes of some great Men.

Secondly, The same Persons knew that

there was no Bantering the Commissioners nam'd in that Bill. They knew 'em to be Men of Sense, Honour, and Courage, that knew and dar'd to execute their Commission, and as they were Volunteers in that Service, had given Earnest of their Resolution to unriddle that Mystery which divers good Men had before lost their labour in, and thereby perhaps might have made Discoveries at that time very unseasonable to some great Men.

And Lastly, The Disposition of the *House of Commons* it self, who were resolv'd as fast as possible, to extricate this Nation from that Labyrinth of Debts, Interest, Deficiencies, and other Incumbrances, wherein it is at present in a manner lost, was a Terrour to those who knew by what Steps and Artifices she was led into, and left in it. It was not safe for them either to let the Bill pass, or to have it rejected in gross, and therefore such Expedients were to be found out, as might Embroil the two *Houses* about it; a Practice in which they had not long before shewn a great deal of Mastery. They knew that the Commons having the sole Right of granting Money, had of consequence also, that of taking an Account of the Disposition of all Money by them granted, and of appointing Commissioners

for

for that purpose. This was laid hold on, as a proper handle to introduce those Amendments, which they knew the Commons cou'd not agree to, without departing from those Rights which they were sure they wou'd never relinquish. Divers Amendments therefore were made, not perhaps so much to alter the Bill, as to lay upon the Commons a necessity of throwing it out, thereby hoping to shift the Odium of such an Action from their own door. But the Commons, who were aware of this drift, and saw the Conclusion of the Session so near at hand, appointed a Committee to draw up their Reasons, why they cou'd not agree to the Amendments made by the Lords, and afterwards Order'd 'em to be Printed for the satisfaction of the People. To these Reasons I cou'd never hear, or see, a fair and Candid Answer, though I have seen much Print, and heard much Clamour against 'em; and therefore I shall give 'em in the Words of the *House*, as they stand in the *Votes of Tuesday the 24th of March, 1701.*

*The Commons do disagree to the first Amendment made by the Lords,*

*Because it is Notorious, that many Millions of Money have been given to His Majesty*

*by the Commons, for the Service of the Publick, which remain yet unaccounted for, to the great dissatisfaction of the good People of England, who chearfully contributed to those Supplies; And their Lordships first Amendment prevents any Accounts being taken of those Monies by the Commissioners appointed by the Commons for that Purpose.*

*The Commons do disagree to the second Amendment made by the Lords.*

*Because John Parkhurst, and John Pascal Esquires, have for several Tears been Commissioners of the Prizes taken during the late War, and are Accountable for great Sums of Money arising thereby, which ought to be applied to the Use of the Publick. That the said John Parkhurst, and John Pascal, were frequently pressed to Account for the same, by the late Commissioners appointed by Act of Parliament; but by many Artifices and Evasions delay'd and avoided giving any such Account as was requir'd by the said Commissioners. That the Clause, to which their Lordships have disagreed by their second Amendment, requires them to Account before the first of September next; but by their Lordships Amendment, the said John Parkhurst and John Pascal, are exempted from giving any such Account, which is highly unreasonable.*

*The*

*The Last Parliament.* 189

The Commons do disagree to the third Amendment.

*The Commons cannot agree to the Clause sent down by the Lords, marked with an X, because their Lordships have therein directed the Commissioners to Allow and Certifie a pretended Debt to Colonel Baldwin Leighton; whereas the Disposition, as well as granting of Money by Act of Parliament, hath ever been in the House of Commons; and this Amendment relating to the disposal of Money, does intrench upon that Right.*

The Commons do disagree to the fourth Amendment.

*Because it is Notorious that Edward Whitacre mention'd in —, left out by their Lordships, hath by Colour of his Employment (as Solicitor to the Admiralty) receiv'd the Sum of Five and Twenty thousand Pound and upwards, of Publick Monies, without producing any just or reasonable Vouchers for the Expence thereof; and therefore ought to be accountable for the same.*

*And that by reason of their Lordships disagreeing to the several parts of this Bill, the Supplies provided by the Commons for paying the Arrears due to the Army, must of necessity be ineffectual 'till another Session of Parliament.*

*These Reasons were Order'd to be inserted in the Votes of the Day; and tho'*



I have seen many attempts to Answer 'em, yet I cou'd never meet with one that bore the Face of a good, much less of a true Reason, for the Occasion of 'em, unless those which I have already given may be of the latter sort, as many Wiser Men than my self suspect they are. But till some Body shall produce others more justifiable, and more probable, the Commons will stand clear of all imputation for the Miscarriage of that Bill, and the evil Consequences of it.

But while the Commons were thus employ'd in Reforming Abuses, and Redressing Grievances without Doors, they were not negligent of any thing that might carry the appearance of it within. The Exemption of their Persons, Estates, and Servants from Arrests, Executions, and Sutes, was a Privilege that had belong'd to 'em above a hundred Years indisputably; but it having been the Misfortunes of our Times, to see Men crowd by Indirect Means into the *House*, to protect themselves from the Payment of just Debts, and there to make Sale of other Mens Properties, to Redeem their own Fortunes; the *House* at once to purge themselves of those sort of Men for the future, and to do Justice, and Redress the Grievances of the People without Doors,

Doors, took off that Privilege, and gave leave to Creditors to proceed at Law for the Recovery of their just Debts, so far as was consistent with the Business of the Nation. It was not reasonable while the great Affairs of the Kingdom requir'd the care of every Member, that any of 'em shou'd by Arrest or Imprisonment be detain'd from giving his Personal Attendance on that Duty, for which he was by his Country sent up. But Estates had no *Votes*, and therefore every Creditor was left at his liberty to make his way by Law into them, for his Satisfaction; and a Bill was on purpose drawn up, and pass'd by this Parliament to Authorize and Enable 'em so to do. This was an Honour reserv'd to this Parliament, and plainly shews, that it consisted of Men of Worth and Honour, who came not thither for Protection, and wanted not to be reliev'd from their Creditors. This Bill had been attempted in many Parliaments before, but cou'd never be brought to bear 'till now. Whether it were that some great Officers, who perhaps needed not such a Protection themselves, brought in so many of their Dependants that did, who had it not been for this Privilege, wou'd not have been at the Expence of sitting there, or that others of Incumber'd Fortunes

Fortunes, strove to get in there as a Place offree Breathing, or perhaps by good Management of licking themselves whole, I will not determine. But since by the Industry of the Country Gentlemen, so many of these have not been able to make their way in *St. Stephen's Chappel*, this Bill has pass'd, which had before been long and often labour'd for in vain.

It were impertinent to pretend to enlarge upon the Advantages and Usefulness of this Bill, to all sorts of Trading and Trusting Men, Widows, Orphans, and innumerable others; the Cities of *London* and *Westminster* reap the Benefit of it above all others; but whether they have been so grateful to that Parliament as an act of such Generosity requir'd, I must leave undetermin'd.

I might instance in many more excellent Acts of that Parliament, but to avoid being too tedious, I shall wave 'em here, and reserve 'em for a further occasion, if at any time such Instances shall particularly be call'd for.

The Reader will I hope give me leave to lay before him some of the many Benefits he receives by the several good Acts of the last Parliament, which I have already taken Notice of.

By the Act for a further Limitation of the

the Crown, our Crown is secur'd for ever to the Protestant Religion, as here now Establish'd by Law in the Church of *England*.

This may perhaps displease the Dissenters, and their Favourers, who affect the name of Moderate Men, and say, That the difference between us, is only about a few Ceremonies, which arises from the Passion of a Party. But not to enter *Mal a propos* into that Controversie, let 'em be pleas'd to Consider that if they are of any Family or Ancient Estate, they shall find themselves more endamag'd by this pretended little difference, than their Ancestors were by all the disputes for the Crown, and all the *Barons Wars* since the Conquest. There are still too manifest Proofs of this, by the destruction of more Ancient Seats, and Magnificent Fabricks in the space of 20 Years betwixt 1640. and 1660, than in some hundreds of Years before, so that we want a New *Cambden* to tell us where our Ancestors dwelt, and that such Places were once Inhabited.

They are by the same Act secur'd of the Presence of their Prince amongst 'em, unless such extraordinary occasions shall call him abroad, as shall make the Nation it self think it necessary for a time to be depriv'd of that Blessing.

We shall hereafter be protected from the  
Danger

**Danger of such Pernicious Councils, as we have lately experienc'd; when every Man by signing the Advice he gives with his own hand, shall not be able to evade a just Charge against him, if he advises amiss.**

**We shall not be in danger of being made a Prey to, or betray'd by Strangers, when they shall be excluded from our Councils and Trust for ever, as is by this Act provided.**

**The Native Subjects of *England* may expect Encouragement and Reward for their Fidelity and Services, when no Foreign Favourites shall be capable of disappointing 'em.**

**We may expect that just care may be taken of the Nation, and that the Proceedings in Parliament will be impartial when no body that shall sit there, shall be Biass'd by Pension or Place, and shall have neither Hope nor Fear to encline him contrary to his Conscience.**

**We may expect Incorrupt Judgments in the Inferiour Courts, when those that sit on the Bench shall not be Aw'd or Influenc'd from above, and have no fear of losing their Places or Salaries by a displeasing Opinion, and Men will hereafter have better Security for their Lives and Estates, than heretofore they have had.**

**Great Men will hereafter be more cautious**

tious of offending when they shall have less hopes of Impunity, and there shall be no pleading of Pardons to Impeachments.

These Advantages are not the less to be esteem'd, because compris'd all in one Act, every Article had been meritorious, tho' the Business of a whole Session; but it shews the Wisdom and Dexterity of that Parliament, who cou'd gain so many Points in so small a time, and couch 'em in so little room; Points almost all of 'em that have been heretofore disputed, and some of 'em very lately rejected.

Another Point, no less considerable than any of 'em, was got by a prudent Hesitation; they prevented our being precipitated into a War, before we knew upon what terms, with our Confederates, we were to enter into it, and how able we should be to support it; and this when the Nation was in such an unseasonable ferment and heat for War, as would perhaps have hurry'd any other Parliament beyond the Bounds of Discretion.

Another thing we are oblig'd to 'em for, is the extraordinary Courage they have shewn in calling to account great Men, for Offences against the Publick, and maintaining the Rights of the *Commons of England*, and Slighting and Correcting the Tumults and Disorders of many Evil dispos'd Seditious Persons without Doors. If

If this be not enough to Convince all Men, that it was an Honest True *English* Parliament, let those that have a just deference for the King's Opinion, read his Sense of it in the following Words of His Speech to 'em, at the Conclusion of the Session:

My Lords and Gentlemen,

**T**HE Session being now come to a Conclusion; I must Return you my hearty Thanks for the great Zeal you have Expressed for the Publick Service, and your ready Compliance with those Things which I Recommended to you at the Opening of this Parliament: And I must thank you, Gentlemen of the House of Commons, in Particular, both for your Dispatch of those Necessary Supplies which you have Granted for the Publick Occasions, and for the Encouragements you have given Me to Enter into Alliances for the Preservation of the Liberty of Europe, and the Support of the Confederacy, in which as it shall be My Care, not to put the Nation to any Unnecessary Expence, so I make no doubt, that whatsoever shall be done, during your Recess, for the Advantage of the Common Cause, in this Matter, will have your Approbation at Our Meeting again in the Winter.

My Lords and Gentlemen,

I shall Conclude with Recommending to you all, the Discharge of your Duties in your respective Countries, that the Peace of the Kingdom may be Secured by your Vigilance, and Care in your several Stations.

A Short

# A SHORT DEFENCE

Of the Last

PARLIAMENT, &c.

**T**HE People of England ought to have  
a due Reverence and Affection for their

Short History of the last  
Parliament. Printed for  
Jacob Tonson, &c. 1699.

Representatives in Par-  
liament, and to main-  
tain their Honour, even  
when in distemper'd  
Times it might happen, they should act some-  
thing against the Publick Good, not only be-  
cause they are a part of our Constitution, but  
likewise that particular Part which the Peo-  
ple have entrusted to look after and ma-  
nage their Interest: For should the People  
desert their Representatives, they would be  
Felo de se, and one day run a hazard of lo-  
sing that part of their Constitution.

**T**His being the Testimony of an Ad-  
versary is therefore of the greater  
force. That Book was written to flatter  
P the



the Ambition, and serve the Interests of one great Courtier (perhaps by himself) who then thought it as much for his Turn to exalt and magnify the Honour and Power of a House of Commons, as he has done since to depress and decry it. But however it happens, that a Truth which was then thought for his purpose, should be found so opposite to the Practices of himself and his Creatures since, it will remain an everlasting Testimony against them, that they know their Duty better than they Practice it.

No Oracle could have pronounced a Truth more momentous to *England*, especially at this Juncture, when there are so many Incendaries at work to divide the People, and to inspire 'em with a mad Resolution to lift up their Hands against their own Brains, and not only to question their Power, but insolently to threaten their Representatives, an unpresidented piece of lawcy Madness; which if not duly adverted upon, may prove in time of fatal Consequence to our Constitution.

Wonderful is the Power of Truth, that could surprize a Person, that was employing so much Art to abuse all the World but one Man, and his Dependants, into a Confession, which should so soon  
stare

stare him in the Face, and convict him of want of Principles. However let us forgive *Saul*, since he has been once found among the Prophets.

When the People of *England* shall forget the Reverence due to their Representatives, they will at the same time make an unlucky step towards their own Ruins, and set their Representatives an ill Precedent to forget their care of them in requital. It is to be hop'd, that neither one will give, nor t'other take any such unhappy Offence; tho' the usage the last *House of Commons* met with from some People, has given many honest Persons occasion to think, that we are not so universally right in our Heads, as not to have occasion for an Act of Parliament to plant *Helleber* for the use of the People. I dare Prophecie however, that their fears will prove groundless, and that the Men that have made all this uproar and bawling, are only a few whose Guilt creates their Fear, and a set of mercenary Fellows that like *Indian* Mourners are hired to whip and flash themselves, and lay about 'em in proportion to the Wages they expect.

The Topicks they have chosen to traduce the last *House of Commons* upon are these.

*That they have been dilatory and backward in the Service of the Nation.*

*That they have prosecuted private Animosities to the detriment of the Publick.*

*That they have usurp'd an Arbitrary and Tyrannical Power over the Liberties of the People.*

That they did not immediately upon their first coming together Vote a Declaration of War against *France* and *Spain*, has been made the great Argument of their Indifference to the present Government, and their Inclinations towards a Change. But this is a Slander as weak as malicious; for no sooner were they met, but they gave his Majesty an assurance, that they would stand by, and support him and his Government, and take effectual care of the Interest and Safety of *England*, the *Protestant Religion*, and the *Peace of Europe*. This was carried by the whole House, and his Majesty after thanks given, having desired their Advice on a Memorial from the *States General*; which produc'd the next Day an Address for a sight of the Treaty between *England* and the *States General*, concluded the third of *March* 1677. and the sight of that, another the very next Day, which was unanimously voted, and presented by the whole House, to refer to his

his Majesties Wisdom and Conduct the making of Leagues and Treaties with the *States General*, and other such Potentates as he should think fit. Which Confidence and Heartiness to him, the King thank'd them for, and accepted as heartily. All this passed within a Week of the King's first Speech, and such Unanimity and Dispatch was never known in any Parliament before, upon Matters of so great Consequence. Where then lies this Criminal Delay and Backwardness?

The Party that bellow this up and down, pretend a great Veneration for the Wisdom of the King, and a meritorious Affection for his Person and Government; yet none of those whom they labour to asperse with Disaffection, wou'd have cast such an odious Reflection upon him, as they have herein done. For they necessarily tax him either with want of Discernment, or Sincerity; since there never were stronger or frequenter Assurances given, of the mutual Confidence between a King, and his Parliament, or a more satisfied and thankful Farewel Speech, than those of the last Sessions, what then do they mean, when they tell us the King was dissatisfy'd, or had reason to be so? He tells us the contrary of both, and perseveres in the same mind

in his last Speech. Do these Persons question his Veracity, or his Judgment? One they must. What sort of Affection is it, that these People bear to the King, that will not allow him either to be Wise or Just, any longer than they and their Party have the sole Administration of Affairs under him?

Yet this is the Treatment the King receives from 'em. The King, they say, was persuaded to dissemble with the House of Commons, which is such a Blot upon his Honour and Courage, as none but that Party ever had the Villany to lay. There is no doubt but the King has been often ill advis'd, for which perhaps, some of 'em are still accountable; but that he cou'd ever be prevail'd with to act an insincere Part with his People, is such an Imputation as none but those that have thriven by Scandal and Faction only, durst have laid upon him.

But to return to the Objection against the House of Commons. They did not forthwith Vote a Declaration of War against *France* and *Spain*, No! They had more regard to the Prerogative, and to the particular Ability of the King in these matters, than to interpose any more than their hearty Assurance of their Support and Assistance towards what he should judge

judge requisite. But then those, that judge so early a Declaration of War necessary, arraign the King, not the Parliament, of Delay.

Yet were it (to satisfy these unreasonable Men) granted, that it lay in the Breasts of the Commons only to resolve how far a War shou'd be expedited or delay'd, the Commons are still Justifiable for that delay, tho' not accountable.

When the Parliament came together, all our Allies were under the greatest Consternation imaginable, none of 'em able or willing to declare against *France*, except the Emperour, who without the rest, cou'd not signify any thing to us, having neither Sea-port nor Ship, nor any means of lending Succours to one another. The last War had left us low in Purse, Credit, and Invention, weary of Taxes, laded with Projects, our Funds anticipated with a Debt of 18000000 at high Interest. These things were a good Reason why our Representatives should not precipitate the Nation into a War, before they had bethought themselves of some method to bear the Expence of it.

The publick Treasures were become such arrant Plunder, that those who had the Fingering of it in every Office, were

so busy in filling their own Pockets, that most of 'em were regardless of publick Notice, or Scandal, They depended upon mutual Consciousness, and Connivance, and defied all farther pursuit. These publick Depredations had long provok'd the People, who were excessively offended to see so many worthless Fellows, grow Rich out of the Spoils of the Publick. And therefore the Commons had reason if they meant to satisfy their Principals, to enquire how their last Gifts had been husbanded, before they gave any more; and to call the unjust Stewards to Account.

But Domestick Mismanagements apart, we must however have been the most rash, imprudent People in the World, had we then declar'd War. We had no other justifiable Reason than self Security, which cou'd not be endanger'd, but thro' our Neighbours the *Dutch*, who did not then think themselves in such a Condition as to declare War. They had in a manner compounded for Peace, by owning the Duke of *Anjou* to be King of *Spain*. Now if we by an over forward Zeal, had declar'd War first, we had by so doing, made our selves *Principals* instead of *Second*.

The Difference we have been lately taught

taught, when because the War was our War, we were forc'd to maintain the greatest Part of our Allies, is a sufficient Lesson: And till we happen to have as good a Reason for 'em, I hope we shall not fall into the same Measures again.

Had we so unadvisedly enter'd into a War which were not singly able to maintain, we must either have retreated ignominiously, or have resolv'd to pay for all the Advantages, that our Confederates shou'd hope to reap from a War, upon the same Terms that we did last time, that is, to have the Honour of Treating generously without Design.

Had we been rashly engag'd before the *Dutch*. We may assure our selves that no Conditions wou'd have been wanting from *France* to lure 'em off from us, whether to their own side, or a Neutrality only. And therefore whoever they were, that made that halt in the matter of a Declaration of War, they shew'd a great deal of Temper and Prudence, for tho' 'tis probable the States wou'd upon no Terms have been tempted to desert us, yet we could not have avoided the reproach of being the most Stupid People in the World, for trusting our Security in any other Hands than our own, while we are able to provide for it our selves; and to put the Pro-  
bity



bity of our Friends to so severe a Test as to try whether they wou'd sell us or not.

But the King's owning the Duke of *Anjou* to be King of *Spain*, puts an end to this Argument ; for that the Parliament had no Hand in, and yet it shews, that the King (who understood matters better ) was not so impatient for War, as some of his pretended Friends.

I think I have shewn, that this delay of a War is no prejudice to *England*, and that if it were, that it is not chargeable upon the Parliament ; whereby the first and most artificial Calumny is avoided.

The next Article, which charges 'em with private Animosities and Partialities, is in great measure answer'd in the foregoing.

That there were great Mismanagements of the Publick Revenues, was certain, and the People were for some Years extremely discontented at 'em. They continually reproach'd their Parliaments with Negligence in that Point. Some honest Men in the House of Commons, constantly endeavoured a Regulation of these Abuses, but to no purpose, while some where dextrous enough to defray their own Partisans out of their Pockets.

If they have since call'd any of 'em to Account, it is unjust to interpret it Spleen,

or

or private Grudge, unless it can be made appear, that the Publick had no Reason to be dissatisfied with their Conduct.

The *Romans* by their exact Distribution of Reward and Punishment, made themselves the greatest People in the Universe. No Man wanted the Reward of Service, or of Disservice. There was no ballancing of Accounts in respect to the State. He that did well was rewarded, he that did otherwise was punish'd without respect to past Merits, which were suppos'd to have been recompenc'd before.

In this they were so strict, that even *Camillus* himself, ( the best and greatest Man that ever they bred ) cou'd not escape Justice. He was *Dictator*, had obtain'd by his own single Conduct, a great *Victory*, and had taken a vast Booty. This, according to their Law, shou'd have been distributed among the Soldiers : But *Camillus*, who knew that the publick Treasury was indigent, by virtue of his Command, sold it all, and put it into the *Treasury*. His Army did not mutiny, but the same Men, as soon as they came home, were Citizens, and then they impeach'd him. And he notwithstanding his great Merits, ( and saving not a Farthing to himself ) was forc'd to fly his Country, to save his Head.

This

This Severity of the *Romans* was so far from being (what some People call it) Ingratitude, that it was the Preservation of their State. They allow'd no Man upon what pretence soever, to act contrary to their Laws, or dispence with the Rights of the People.

Let those, that have rais'd such a Flame among us of late, make out either so much Merit, or so much Innocence as *Camillus*, and I will be content to Vote 'em Statues at the publick Charge, with an Inscription to testifie that they deserve the Estates, which I think yet ill gotten. Let those that by sham Purchases, and Begging have got the publick Lands into their own Hands, plead the Vertue of *Camillus* in their own Justification, and they shall (which is a thing not usual here in *England*) be Cannoniz'd for their Ministry.

As for that Arbitrary and Tyrannical Power which the Commons in the last Parliament were said to have exercis'd, he that urges that against 'em, if a Commoner, makes a felonious attempt upon himself, for he endeavours to cut the Throat of his own Right, which he can only exercise by his Representatives in Parliament.

But for the satisfaction of those who have no interest in the Rights of the Commons,

Commons, as being of another Order, or having sold their own Propriety; I shall take the Liberty to inform 'em, that all Original Right of Judicature is undoubtedly in the whole People, cou'd they be assembled to give their Judgment, I mean, in what relates to the whole People. That the Representatives are intrusted with their Power no body questions, and consequently may do any thing that is not an Infringment of the Rights of the two other Estates.

The extraordinary exercise of Power charg'd upon 'em is instanc'd in these particulars, That they have committed some Brib'd Electors, and their Corruptors, publick Officers that were not able or willing to give in just Accompts of what they were intrusted with, and saucy Petitioners who made it Matter of Merit to affront the Authority of the House.

Let the People chuse which of these shall be *Barabbas*; whomsoever of these they release; they will set a publick Robber free. The corrupt Elector and the bribing Candidate, are a couple of Knaves that are Stock-jobbing the whole Nation. We may be assur'd that he that buys his Election, intends to be paid for his Voice. And the unthinking Elector  
may

may assure himself, that when he contracts for his Vote, he is making a Conveyance of his own, and other Mens Freehold. Liberty and Property.

The Publick Officer that refuses, or is unable to Accompt, is a plunderer that has stoln more than he can tell how to excuse.

And the saucy Petitioner is either the Fool or the Knave, that some cunning Men than himself employ to bear the disgrace, and in some measure the Punishment of their Iniquity.

If the publick Officer cheat only his Patron; if the Sellers of Votes dispos'd of no Man's Liberty and Property but their own; if the saucy Petitioners went no farther then their own particular Representatives, and meddled with no more than they understood there had been no occasion for Commitment, and neither *Kent* nor *Legion* had been in an uproar, nor one deserved the *Gate-house* as the other did *Tyburn*.

It is however to be hop'd, that our Electors will take more care that in the next Parliament we shall have no Buyers or Sellers, *Sh-----ds*, *Coat-----th*, &c. no Men that are us'd to Traffick for more then they are worth; none that countenance the affronting of Parliaments. All these  
will

will sell us, and those that favour them will be convinc'd unless they are of the same Principle.

It is to be hop'd that these Considerations will move the Electors to bethink themselves whom to return for the next Parliament, and to exclude some begging People, that boast much of Services, by which they have got much from, and done nothing for the Publick but what they dare not own.

Our last Parliament have secur'd to us our Religion, our Liberties and Property. It is our business to take care that the next may not undo what they have done, and under pretence of Zeal for the Government, give up our Civil Rights, which some have lately attempted by voting for standing Armies, &c.

One thing all Electors are desired to take notice of, that they can't give their Vote for any Person that has a Place under, or Pension from the Crown, without affronting the latest and best Act of Parliament that ever they had for their own Security. By the late Act for further Limitation of the Crown, and securing the Rights and Liberties of the Subject it is provided.

*That no Person who has an Office or Place of Profit under the King, or receives a Pension from the Crown, shall be capable of serving,*

*ving as a Member of the House of Commons.*

What is the danger of a Mercenary Parliament, I suppose the People need not be told ; and tho every Man who has a place is not therefore to be called Mercenary, he lies however under such a Temptation as wou'd forbid a Wise-man to trust him with his all. The Parliament has wisely disabled 'em, and so particularly, that no Clause in the Act is without its Restriction as to time, except this, and that of Impeachments, which sufficiently shews when they intended it should take place. If they will think of these few things, we may hope to see a wise and a courageous Parliament, and perhaps most of those very Men who took such care of us the last Session, which ought to be the Prayer of all true English-men, and good Subjects.

*F I N I S.*





